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CANADA

# Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 1

OFFICIAL REPORT  
(HANSARD)

**Monday, September 30, 2002**

THE HONOURABLE DAN HAYS  
SPEAKER





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(Daily index of proceedings appears at back of this issue).

*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

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## THE SENATE

Monday, September 30, 2002

### THIRTY-SEVENTH PARLIAMENT OPENING OF SECOND SESSION

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 11:30 a.m., the Speaker in the Chair.

Prayers.

#### COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

**The Hon. the Speaker:** Honourable senators, I have the honour to inform you that I have received the following communication from Government House, which reads as follows:

RIDEAU HALL

September 27, 2002

Mr. Speaker,

I have the honour to inform you that Their Excellencies, the Governor General and John Ralston Saul, will arrive at the Peace Tower at 14:00 on Monday, the 30<sup>th</sup> day of September, 2002.

When it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the Second Session of the Thirty-Seventh Parliament of Canada.

Yours sincerely,

Barbara Uteck  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

#### NEW SENATOR

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that the Honourable David Paul Smith, P.C., has been summoned to the Senate.

#### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there was a senator without, waiting to be introduced:

The following honourable senator was introduced; presented Her Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk; and was seated:

**Hon. David Paul Smith, P.C.**, of Toronto, Ontario, introduced between Hon. Sharon Carstairs, P.C., and Hon. Jeremiah S. Grafstein.

**The Hon. the Speaker** informed the Senate that the honourable senator named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is an honour to welcome today a new colleague to the Senate chamber, the Honourable David Smith. Senator Smith was called to the bar in Ontario in 1972 and has most recently served as Chairman and Partner of Fraser Milner Casgrain LLP; he has also served as Chairman of Fraser & Beatty.

Senator Smith has had a long and varied career in law and politics. He served as a member of Parliament in the other place from 1980 to 1984 and was also Minister of State for Small Business and Tourism. He has been elected to Toronto City Council and served there on the executive committee as president and as deputy mayor.

Senator Smith has worked on behalf of many philanthropic organizations, including the Salvation Army, Toronto General and Mount Sinai Hospitals, George Brown College and the Retinitis Pigmentosa Foundation, as well as the O'Keefe Centre for the Performing Arts. He has also, as many of us know, on occasion — rare occasion — volunteered his services to the Liberal Party of Canada.

I invite all honourable senators to join me in welcoming Senator Smith to the Red Chamber, the upper chamber.

**Hon. Senators:** Hear, hear!

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am pleased to join with the Leader of the Government in the Senate in welcoming our new colleague who, as Senator Carstairs has pointed out, brings to this place a political and parliamentary background that can only be of benefit to us all. I say this with some confidence and admittedly with a great deal of bias, as Senator Smith in his public career spent some years in the 1970s in municipal politics in Toronto, where he held a number of senior offices. With him, we can now count in this chamber eight colleagues who have had municipal careers and who are amongst the most active here, some perhaps more active than people would wish. I know that Senator Smith, with that background, will join them and other senators in contributing a great deal to the success of this institution.

I am also impressed with Senator Smith's loyalty to his leader, but perhaps that is a topic best left to another day.

Welcome, Senator Smith. My colleagues and I wish you the very best as you assume your new responsibilities.

**Hon. Senators:** Hear, hear!



• (1140)

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I merely wish to convince Senator Smith that independent senators are not necessarily members of the opposition, just as they are not necessarily members of the government.

There are some here who claim to have known you well. We are hearing that from all sides, but I know you better than they, because we were Young Liberals together in Montreal in 1960 and 1961, when Michel Robert, now Chief Justice of the Court of Appeal, was elected as President of the Liberal Party. To me, having you here is a step back in time, and one that can predict all manner of things to come. I do not, however, wish to worry the Leader of the Government in the Senate by saying that. I am very pleased to have you here in the Senate.

There is one question I will ask myself until the end of my days: had you known Mr. Chrétien was planning to step down, would you have agreed to come to the Senate as official spokesperson? That will forever intrigue me! I love that about the translation process: it always delays the laughs I get. Welcome to the Senate, Senator Smith.

#### ADJOURNMENT

**Hon. Fernand Robichaud (Deputy Leader of the Government):** With leave of the Senate and notwithstanding rule 58(1)(h), moved:

That the Senate do now adjourn until 2:00 p.m.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until 2:00 p.m.

[English]

#### SECOND SITTING

The Senate met at 2 p.m., the Speaker in the Chair.

#### SPEECH FROM THE THRONE

At 2:20 p.m., Her Excellency the Governor General proceeded to the Senate Chamber and took her seat upon the Throne. Her Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, Her Excellency was pleased to open the Second Session of the Thirty-seventh Parliament of Canada with the following speech:

*Honourable members of the Senate,*

[Translation]

*Members of the House of Commons,*

[English]

*Ladies and gentlemen,*

It is a pleasure to greet you in the Jubilee Year of Her Majesty Queen Elizabeth II, whom we will be welcoming to Canada very shortly.

[Translation]

We also mark this year the 50th anniversary of Canadian Governors General. To celebrate this, we invited to Rideau Hall an energetic group of one hundred 17- and 18-year-olds from every province and territory to participate in a Youth Forum on creating community. In Gaspé, in Nunavut, on Haida Gwaii, all across the country, we are meeting young people who are becoming catalysts for change, as they take their place as leaders in the fields they choose.

[English]

It is exciting and encouraging to hear what young people are saying and what they are doing. Already, they are innovative. They are diverse. And they will change things. Some of them will do so through journalism, the arts, business or the labour movement. Others will devote themselves to civic and public life, perhaps becoming in time your successors, to carry on the democratic traditions of Parliament to which you are committing your lives. Nothing is more precious and valuable than our way of creating a society through the exercise of our democratic rights as citizens.

And the sacrifices that some of our citizens make are deeply appreciated by their country. My trip in April to Germany, where our fallen and injured were brought from the tragic incident in Afghanistan, was emotionally shared by all Canadians, many of whom have expressed how much the sacrifice of these men has meant to them.

This kind of contribution, this kind of democratic participation, this kind of nurturing of young leadership make us what we are as a nation. It is a very precious life that we share as Canadians. And we must be prepared not only to praise it, but also to make sacrifices for it.

Canadians today are confident about their personal prospects and Canada's future. Less than ten years ago, our economy was in decline, our deficit and debt were rising out of control, our unity was under threat, our confidence was shaken.

Today, because of our collective efforts, we have new opportunities, new possibilities and new choices for the Canada we want.

[Translation]

We have established the foundations for great success: fiscal sovereignty, a unified country and a confident people. We will not put at risk the accomplishments of the last decade. We will continue to be prudent and live within our means.



Maintaining our fiscal sovereignty and a dynamic economy allows us to reach higher. To find new solutions to enduring problems. To set new goals and ambitious targets. To take responsibility for building the Canada we want, for ourselves and for future generations.

[English]

We now have a generation of Canadians who have grown up in the Internet world, a generation of Canadians who are global, at ease with change and diversity, optimistic and eager to create, innovate and excel. And who believe they can achieve their aspirations in Canada. Canada must tap into and unleash this energy.

The goal of the government is nothing less than making Canada a land of ever-widening opportunity. Ensuring that the benefits of the new economy touch every community and lift every family and every Canadian.

Working together, we can put in place the health care system for the 21st century. We can get Canada's children off welfare. We can close the gap in life chances between Aboriginal and non-Aboriginal Canadians. We can tackle the challenge of climate change. We can be a world leader in innovation and learning, a magnet for talent and investment. We can build world-class cities and healthy communities. We can strengthen the bonds of shared citizenship and the partnership between government and Canadians. We can secure our place in North America and in the world as a mature country, confident in who we are and where we are headed.

This is the time for Canada.

• (1440)

[Translation]

## CANADA AND THE WORLD

We live in uncertain times. The events of September 11 demonstrated that our progress at home can be affected in a moment by world events. We see unrest in many parts of the world. We still see far too much poverty.

[English]

The government will continue to work with its allies to ensure the safety and security of Canadians. Canada will continue to work through organizations such as the United Nations to ensure that the rule of international law is respected and enforced. At the same time, the government will remain vigilant and ready to ensure the protection of Canadians from emerging threats, and will work with the United States to address our shared security needs.

But there is more we can do. Canada has a long history of contributing solutions to global problems. We will continue to speak out in every forum for the values of pluralism, freedom and democracy, and contribute to reducing the growing global divide between rich and poor. We will double our development assistance by the year 2010, and earmark at least half of that increase for Africa as part of Canada's support for the New Partnership for Africa's Development. As of January 1, 2003, Canada will eliminate

tariffs and quotas on almost all products from the least-developed countries.

[Translation]

In the face of rapid change and uncertainty, the government must engage Canadians in a discussion about the role that Canada will play in the world. Before the end of this mandate, the government will set out a long-term direction on international and defence policy that reflects our values and interests and ensures that Canada's military is equipped to fulfill the demands placed upon it.

[English]

## PUTTING IN PLACE THE HEALTH CARE SYSTEM FOR THE 21ST CENTURY

No issue touches Canadians more deeply than health care. Our health care system is a practical expression of the values that define us as a country. Of the willingness of Canadians to share risk and accept responsibility for one another.

In 2000, all First Ministers reached an agreement on health care that reinforced our collective commitment to the principles of medicare, to working collaboratively to reform our system and to measure and report on our progress. Resources were provided. Work is proceeding. And the first public report is now available.

Building on this work, Roy Romanow was appointed to lead a commission on the longer-term future of Canada's publicly funded health care system. He will report in November.

The Prime Minister will convene a First Ministers Meeting early in 2003 to put in place a comprehensive plan for reform, including enhanced accountability to Canadians and the necessary federal long-term investments, which will be included in the next budget.

[Translation]

At the same time, the government will move ahead with an action plan in health policy areas under its direct responsibility. Under this plan, it will renew federal health protection legislation to better address emerging risks, adapt to modern technology and emphasize prevention. The government will take steps to strengthen the security of Canada's food system and reintroduce pesticides legislation to protect the health of Canadians, particularly children. It will work with its partners to develop a national strategy for healthy living, physical activity and sport, and will convene the first ever national summit on these issues in 2003. The government will take further action to close the gap in health status between Aboriginal and non-Aboriginal Canadians by putting in place a First Nations Health Promotion and Disease Prevention strategy with a targeted immunization program, and by working with its partners to improve health care delivery on-reserve.



The government will also modify existing programs to ensure that Canadians can provide compassionate care for a gravely ill or dying child, parent or spouse without putting their jobs or incomes at risk.

[English]

### HELPING CHILDREN AND FAMILIES OUT OF POVERTY

Five years ago, Canada's governments launched the National Children's Agenda, engaging Canadians in every part of the country on how to ensure that all Canadian children have a good start in life; that families with children have the tools they need to provide care and nurturing.

No investments have greater payoff. No investments do more to break the cycle of poverty and dependency, and to maximize the potential of every Canadian.

The government will put in place a long-term investment plan to allow poor families to break out of the welfare trap so that children born into poverty do not carry the consequences of that poverty throughout their lives. It will again significantly increase the National Child Benefit for poor families, and will work with its partners to increase access to early learning opportunities and to quality child care, particularly for poor and lone-parent families. It will also put in place targeted measures for low-income families caring for severely disabled children, to help meet the needs of the child and of the family.

The government will take additional measures to address the gap in life chances between Aboriginal and non-Aboriginal children. It will put in place early childhood development programs for First Nations, expanding Aboriginal Headstart, improving parental supports and providing Aboriginal communities with the tools to address fetal alcohol syndrome and its effects. The most enduring contribution Canada can make to First Nations is to raise the standard of education on-reserve. The government will work with the recently created National Working Group on Education to improve educational outcomes for First Nations children, and take immediate steps to help First Nations children with special learning needs.

[Translation]

Parents have the primary responsibility for providing their children with the tools to learn and develop. But Canadians also have a collective responsibility to protect Canada's children from exploitation in all its forms, and from the consequences of family breakdown.

The government will therefore reform the Criminal Code to increase the penalties for abuse and neglect, and provide more sensitive treatment for children who take part in justice proceedings as victims or as witnesses. It will also reform family law, putting greater emphasis on the best interests of the child; expand the Unified Family Courts; and ensure that appropriate child and family services are available.

### CLIMATE CHANGE AND THE ENVIRONMENT

Canadians know that our health and the health of our children, the quality of life in our communities and our continued economic prosperity depend on a healthy environment.

On a global scale, the problem of climate change is creating new health and environmental risks and threatens to become the defining challenge for generations to come.

As a northern country, Canadians will feel some of the effects of climate change sooner than will others. As a prosperous country, we must and will do our part.

• (1450)

[English]

As part of the Kyoto Protocol, Canada agreed to obligations to reduce greenhouse gas emissions by 2012. Extensive consultations and preparatory work followed. The government is now intensifying consultations with Canadians, industry and provinces to develop an implementation strategy to meet Canada's obligations over the next ten years. Before the end of this year, the government will bring forward a resolution to Parliament on the issue of ratifying the Kyoto Protocol on Climate Change. Meeting this challenge must become a national project, calling upon the efforts and contributions of all Canadians, in all regions and sectors of the economy — producers and consumers, governments and citizens.

To conserve our wilderness areas, clean water sources and key habitat, the government will create ten new national parks and five new National Marine Conservation Areas over the next five years. It will improve the ecological integrity in Canada's existing national parks. It will reintroduce legislation to protect species at risk.

The government will accelerate the clean-up of federal contaminated sites in Canada. It will work with the United States to further improve air quality. It will accelerate its work with the provinces on improved national water quality guidelines, and ensure their implementation in areas of federal jurisdiction.

### A MAGNET FOR TALENT AND INVESTMENT

The Canada we want requires a strong economy. The government will maintain its unwavering commitment to balanced budgets, disciplined spending, a declining ratio of debt-to-GDP, and fair and competitive taxes. It will build on its investments in research, literacy and education, and in competitive cities and healthy communities. It will also adjust its policies to enhance the climate for investment and talent. The government will reallocate resources to the highest priorities and transform old spending to new purposes.



[Translation]

**Skills, Learning and Research**

The fuel of the new economy is knowledge. The government has invested heavily in providing Canada's schools and libraries with the information technology to connect young Canadians with the best information and knowledge the world has to offer. It has invested in access to universities and in excellence in university research because Canada's youth need and deserve the best education possible, and Canada needs universities that produce the best knowledge and the best graduates.

The government will build on these investments. It will continue to increase its funding to the federal granting councils to provide young Canadians greater support for graduate studies and research. It will work with universities on the indirect costs of research and on strategies for its commercialization to create opportunities for entrepreneurs and to fuel innovation. It will continue to work with small- and medium-sized enterprises in the development and application of new technologies in traditional and emerging sectors.

[English]

It will strengthen government science, integrating its efforts across departments and disciplines and focusing on the priorities of Canadians.

In November, the Government of Canada will host the National Summit on Innovation and Learning. This will be an opportunity to position Canada as a world leader in such areas as health sciences, biotechnology and clean energy.

The economy of the 21st century will need workers who are lifelong learners, who can respond and adapt to change. Canada's labour market programs must be transformed to meet this challenge. To this end, the government will work with Canadians, provinces, sector councils, labour organizations and learning institutions to create the skills and learning architecture that Canada needs, and to promote workplace learning. This will include building our knowledge and reporting to Canadians about what is working and what is not.

[Translation]

The Youth Employment Strategy has been successful in increasing job opportunities and experience for young Canadians. But the employment needs of our youth are changing. Government strategies have to keep pace. Working with youth and other partners, the government will redirect its resources in this area to develop skills for the future and to help those who face the greatest barriers to employment. It will also work with the provinces to fast-track a comprehensive agreement to remove barriers to participation in work and learning for persons with disabilities.

The government will promote entrepreneurial skills and job creation among Aboriginal people by increasing support for Aboriginal Business Canada. It will also tailor and target its training programs to help Aboriginal and Inuit people participate in economic opportunities such as the

development of Voisey Bay, northern gas pipelines and similar projects throughout Canada.

[English]

One of Canada's greatest assets — and a unique advantage in our world — is our openness to immigrants from every corner of the globe. The demographic realities of an aging population and slowing labour force growth place an even greater premium on this immigration advantage. Canada must continue to be the country that immigrants choose to find hope, hospitality and opportunity.

[Translation]

The government will work with its partners to break down the barriers to the recognition of foreign credentials and will fast-track skilled workers entering Canada with jobs already waiting for them. It will also position Canada as a destination of choice for talented foreign students and skilled workers by more aggressively selecting and recruiting through universities and in key embassies abroad.

[English]

**Smart Regulation**

The knowledge economy requires new approaches to how we regulate. We need regulation to achieve the public good, and we need to regulate in a way that enhances the climate for investment and trust in the markets. The government will move forward with a smart regulation strategy to accelerate reforms in key areas to promote health and sustainability, to contribute to innovation and economic growth, and to reduce the administrative burden on business.

As part of this strategy, the government will adapt its intellectual property framework to enable Canada to be a world leader on emerging issues such as new life forms. It will speed up the regulatory process for drug approvals to ensure that Canadians have faster access to the safe drugs they need, creating a better climate for research in pharmaceuticals. It will work with provinces to implement a national system for the governance of research involving humans, including national research ethics and standards.

[Translation]

The government will revise Canadian copyright rules to ensure that Canada has a progressive regime that supports increased investment in knowledge and cultural works.

It will reintroduce legislation to amend the Canadian Environmental Assessment Act. It will also streamline environmental assessment processes, including implementing a single window for projects such as the northern pipeline. To pursue its strategy over the longer-term, the government will create an External Advisory Committee on Smart Regulation to recommend areas where government needs to redesign its regulatory approach to create and maintain a Canadian advantage.



• (1500)

[English]

The government will implement the recently announced Agricultural Policy Framework and related measures to promote innovation in that key sector, which is vital to rural Canada and all Canadians.

The Canada-U.S. Smart Border Declaration contributes to both our national security and the free flow of people, goods and commerce across our shared border. The government will build on this work and increase its consular presence to expand fair and secure trade and commerce, and to brand Canada in the United States. It will continue to work bilaterally and multilaterally to resolve trade disputes over softwood lumber and agriculture.

Recent events in the United States have weakened confidence in capital markets, not only in that country, but around the world. The government has been working closely with all parties to bolster investor confidence and improve the efficiency and integrity of Canadian capital markets. In this regard, it will review and, where necessary, change its laws and strengthen enforcement to ensure that governance standards for federally incorporated companies and financial institutions remain of the highest order.

Many investors and businesses have expressed concern that Canada's fragmented securities regulatory structure is inadequate and an obstacle to growth. They have urged reform to ensure that businesses can efficiently access the financing they need to grow, and to assure Canadians that they will be treated fairly when they invest. Co-operation among governments will be necessary. The government will work with all participants to ensure that Canada has the modern and efficient securities regulatory system it needs.

### Competitive Cities and Healthy Communities

Competitive cities and healthy communities are vital to our individual and national well-being, and to Canada's ability to attract and retain talent and investment. They require not only strong industries, but also safe neighbourhoods; not only a dynamic labour force, but access to a rich and diverse cultural life. They require new partnerships, a new urban strategy, and a new approach to healthy communities for the 21st century.

Modern infrastructure is key to the prosperity of our cities and the health of our communities. Working with provinces and municipalities, the government will put in place a ten-year program for infrastructure to accommodate long-term strategic initiatives essential to competitiveness and sustainable growth.

Within this framework, it will introduce a new strategy for a safe, efficient and environmentally responsible transportation system that will help reduce congestion in our cities and bottlenecks in our trade corridors.

It will extend its investments in affordable housing for those whose needs are greatest, particularly in those Canadian cities where the problem is most acute. It will extend the Supporting Communities Partnership Initiative to provide communities with the tools to plan and implement local strategies to help reduce homelessness.

In a number of cities, poverty is disproportionately concentrated among Aboriginal people. The government will work with interested provinces to expand on existing pilot programs to meet the needs of Aboriginal people living in cities.

[Translation]

The government will target its regional development activities to better meet the needs of the knowledge economy and address the distinct challenges of Canada's urban, rural and northern communities.

The government will work with Canada's largest cities to develop targeted strategies to reduce the barriers faced by new immigrants in settling into the social and economic life of their new communities. It will introduce targeted measures to help children of recent immigrants to learn French and English, so that they can realize the opportunities that brought their parents to this country.

The government will also implement a national drug strategy to address addiction while promoting public safety. It will expand the number of drug treatment courts. It will act on the results of parliamentary consultations with Canadians on options for change in our drug laws, including the possibility of the decriminalization of marijuana possession.

[English]

### A NEW PARTNERSHIP BETWEEN GOVERNMENT AND CITIZENS

Canada has a unique model of citizenship, based simultaneously on diversity and mutual responsibility. This model requires deliberate efforts to connect Canadians across their differences, to link them to their history and to enable their diverse voices to participate in choosing the Canada we want.

The government will ensure that as Canadians take charge of their future, they will have access to their history by creating a new institution that brings together the National Archives of Canada and the National Library of Canada, providing new tools to reach Canadians, young and old. It will also strengthen key arts and heritage institutions and protect significant historic sites and buildings.

It will create more opportunities for young Canadians to help clean up our environment and assist in achieving Canada's global priorities, particularly in Africa.

It will reform our citizenship legislation to reassert the rights and reinforce the responsibilities that go with being Canadian.

[Translation]

It will put into action the accord it signed with the voluntary sector last December, to enable the sector to contribute to national priorities and represent the views of those too often excluded.

The government will work with provinces toward renewal of legal aid so that Canadians can have access to adequate legal representation before the courts.

Linguistic duality is at the heart of our collective identity. The government will implement an action plan on official languages that will focus on minority-language and second-language education, including the goal of doubling within ten years the number of high school graduates with a working knowledge of both English and French. It will support the development of minority English- and French-speaking communities, and expand access to services in their language in areas such as health. It will enhance the use of our two official languages in the federal public service, both in the workplace and when communicating with Canadians.

[English]

The government will reintroduce legislation to strengthen First Nations governance institutions — to support democratic principles, transparency and public accountability, and provide the tools to improve the quality of public administration in First Nations communities. It will work with these communities to build their capacity for economic and social development, and it will expand community-based justice approaches, particularly for youth living on reserves and Aboriginals in the North. The government will also work with Aboriginal people to preserve and enhance Aboriginal languages and cultures.

Canadians want their government to be open, accountable and responsive to their diverse and changing needs.

Early in this session, the government will provide clear guidance and better enforcement of the ethical standards expected of elected officials and senior public servants. The government will strengthen the legislation governing its relationship with lobbyists. And the government will introduce legislative changes to the financing of political parties and candidates for office.

[Translation]

Canadians know the value and importance of the role of government and of the need for excellence in the public service. The government will introduce long-awaited reforms for the public service to ensure that it can attract the diverse talent it needs to continue to serve Canadians well.

## CONCLUSION

The Canada we want cannot happen by government acting alone or by citizens acting apart.

• (1510)

[English]

We know that by pursuing the common good, we pursue our own good; that a country is more than a collection of narrow interests, it is a common enterprise to which all can contribute.

The priorities we have outlined today build on the conviction that we must add to the work of our ancestors, and leave Canada a better place for future generations.

May our future, like our past, be a story of achievement.

*Fellow Canadians:*

Respectful of our history, confident in our future, let each of us do our part.

[Translation]

*Members of the House of Commons,*

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

*Honourable Members of the Senate and*

*Members of the House of Commons,*

As you carry out your duties and exercise your responsibilities, may you be guided by Divine Providence.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

## RAILWAYS BILL

### FIRST READING

**Hon. Fernand Robichaud (Deputy Leader of the Government)** presented Bill S-1, relating to railways.

Bill read first time.

[English]

## SPEECH FROM THE THRONE

### CONSIDERATION AT NEXT SITTING

**The Hon. the Speaker:** Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

**Hon. Senators:** Dispense.



**The Hon. the Speaker:** Honourable senators, when shall this Speech be taken into consideration?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government)** moved:

That the Speech of Her Excellency the Governor General delivered this day from the Throne to the two Houses of Parliament be taken into consideration at the next sitting.

Motion agreed to.

#### COMMITTEE OF SELECTION

##### MOTION FOR APPOINTMENT—DEBATE ADJOURNED

**Hon. Fernand Robichaud (Deputy Leader of the Government)** moved:

That, pursuant to rule 85(1), the Honourable Senators Bacon, De Bané, Fairbairn, Kinsella, Kolber, LeBreton, Rompkey, Stratton and Tkachuk be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore* and (b) the Senators to serve on the several select committees during the present Session; and to report with all convenient speed the names of the Senators so nominated.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until 2 p.m. tomorrow.

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CANADA

# Debates of the Senate

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2nd SESSION

• 37th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 1, 2002**

—

**THE HONOURABLE DAN HAYS  
SPEAKER**



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, October 1, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

*[Translation]*

Prayers.

Honourable senators, I would ask that you rise and join with me in a minute of silent tribute.

### THE LATE HONOURABLE RON J. DUHAMEL, P.C.

#### SILENT TRIBUTE

*Honourable senators then stood in silent tribute.*

**The Hon. the Speaker:** Honourable senators, it is with deep regret that I convey to you the news that the Honourable Senator Ron J. Duhamel, P.C., passed away last evening. There will be an opportunity for us to pay tribute later. I have taken the liberty of sending deepest condolences to the family on behalf of the Senate and all senators.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, out of respect for our deceased colleague Senator Duhamel, I move, seconded by the Honourable Senator Kinsella, that the Senate do now stand adjourned.

The Senate adjourned until 2:00 p.m. tomorrow.

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## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate



**THE SPEAKER**

The Honourable Daniel P. Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Sharon Carstairs, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable John Lynch-Staunton

---

**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Blair Armitage (Act.)

## THE MINISTRY

According to Precedence

( October 1, 2002 )

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclicf	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVilliers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)



## SENATORS OF CANADA

## ACCORDING TO SENIORITY

( October 1, 2002 )

Senator	Designation	Post Office Address
The Honourable		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.

Senator	Designation	Post Office Address
V. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Berry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Andon Pearson	Ontario	Ottawa, Ont.
Sean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Éline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Chestermere, Alta.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Yvonne Poy	Toronto	Toronto, Ont.
Lone Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauson	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.
David Paul Smith, P.C.	Ontario	Toronto, Ont.



## SENATORS OF CANADA

## ALPHABETICAL LIST

( October 1, 2002 )

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Koyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Leclerc, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Lenny, Colin	Rideau	Ottawa, Ont.	Lib
Leon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Linsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
MacFarlane, Michael	South Shore	Halifax, N.S.	Lib
MacLellan, E. Leo	Victoria	Westmount, Que.	Lib
MacLennan, Richard H.	Manitoba	Winnipeg, Man.	Lib
MacLennan, Pierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
MacLennan, Jean	Saurel	Magog, Que.	Lib
MacLennan, Raymond	Montarville	Verdun, Que.	Lib
MacLennan, Edward M.	Vancouver	Vancouver, B.C.	Ind
MacLennan, Marjory	Ontario	Manotick, Ont.	PC
MacLennan, Viola	New Brunswick	Moncton, N.B.	Lib
MacLennan, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
MacLennan, John	Grandville	Georgeville, Que.	PC
MacLennan, Shirley	Rougemont	Saint-Laurent, Que.	Lib
MacLennan, Francis William	Toronto	Toronto, Ont.	Lib
MacLennan, Michael Arthur	St. Marys	Toronto, Ont.	PC
MacLennan, Lorna	Peel County	Brampton, Ont.	Lib
MacLennan, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
MacLennan, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Molin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Molin, Donald H.	Nova Scotia	Halifax, N.S.	PC
Molson, Landon	Ontario	Ottawa, Ontario	Lib
Molin, Lucie	Shawinigan	Montreal, Que.	Lib
Molin, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Molin, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Molin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Molin, Vivienne	Toronto	Toronto, Ont.	Lib
Molin, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Molin, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David Paul, P.C.	Ontario	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
( October 1, 2002 )

**ONTARIO—24**

Senator	Designation	Post Office Address
The Honourable		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David Paul Smith, P.C.	Ontario	Toronto
23		
24		



## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuuujuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérard-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Lucie Pépin	Shawinigan	Montreal
15 Marisa Ferretti Barth	Repentigny	Pierrefonds
16 Serge Joyal, P.C.	Kennebec	Montreal
17 Joan Thorne Fraser	De Lorimier	Montreal
18 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
19 Raymond C. Setlakwe	The Laurentides	Thetford Mines
20 Yves Morin	Lauzon	Quebec
21 Jean Lapointe	Sauvel	Magog
22 Michel Biron	Milles Isles	Nicolet
23 Raymond Lavigne	Montarville	Verdun
24		

## SENATORS BY PROVINCE-MARITIME DIVISION

### NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Bernard Alasdair Graham, P.C. ....	The Highlands .....	Sydney
2 Michael Kirby .....	South Shore .....	Halifax
3 Gerald J. Comeau .....	Nova Scotia .....	Church Point
4 Donald H. Oliver .....	Nova Scotia .....	Halifax
5 John Buchanan, P.C. ....	Halifax .....	Halifax
6 J. Michael Forrestall .....	Dartmouth and Eastern Shore .....	Dartmouth
7 Wilfred P. Moore .....	Stanhope St./Bluenose .....	Chester
8 Jane Cordy .....	Nova Scotia .....	Dartmouth
9 Gerard A. Phalen .....	Nova Scotia .....	Glace Bay
10 .....	.....	.....

### NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Eymard Georges Corbin .....	Grand-Sault .....	Grand-Sault
2 Brenda Mary Robertson .....	Riverview .....	Shediac
3 Noël A. Kinsella .....	Fredericton-York-Sunbury .....	Fredericton
4 John G. Bryden .....	New Brunswick .....	Bayfield
5 Rose-Marie Losier-Cool .....	Tracadie .....	Bathurst
6 Fernand Robichaud, P.C. ....	Saint-Louis-de-Kent .....	Saint-Louis-de-Kent
7 Viola Léger .....	New Brunswick .....	Moncton
8 Joseph A. Day .....	Saint John-Kennebecasis .....	Hampton
9 .....	.....	.....
10 .....	.....	.....

### PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Eileen Rossiter .....	Prince Edward Island .....	Charlottetown
2 Catherine S. Callbeck .....	Prince Edward Island .....	Central Bedeque
3 Elizabeth M. Hubley .....	Prince Edward Island .....	Kensington
4 .....	.....	.....

## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Winnipeg
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Richard H. Kroft . . . . .	Manitoba . . . . .	Winnipeg
6 . . . . .		

## BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Edward M. Lawson . . . . .	Vancouver . . . . .	Vancouver
2 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
3 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
4 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
5 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
6 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver

## SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 Herbert O. Sparrow . . . . .	Saskatchewan . . . . .	North Battleford
2 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
3 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
4 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
5 John Wiebe . . . . .	Saskatchewan . . . . .	Swift Current
6 . . . . .		

## ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Phillip Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Nicholas William Taylor . . . . .	Sturgeon . . . . .	Chestermere
4 Thelma J. Chalifoux . . . . .	Alberta . . . . .	Morinville
5 Douglas James Roche . . . . .	Edmonton . . . . .	Edmonton
6 Tommy Banks . . . . .	Alberta . . . . .	Edmonton



## SENATORS BY PROVINCE AND TERRITORY

### NEWFOUNDLAND—6

Senator	Designation	Post Office Address
The Honourable		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

### NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

### NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Willie Adams	Nunavut	Rankin Inlet

### YUKON TERRITORY—1

Senator	Designation	Post Office Address
The Honourable		
1 Ione Christensen	Yukon Territory	Whitehorse

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Tuesday, October 1, 2002

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CANADA

# Debates of the Senate

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2nd SESSION

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OFFICIAL REPORT  
(HANSARD)

Wednesday, October 2, 2002

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THE HONOURABLE DAN HAYS  
SPEAKER





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## THE SENATE

Wednesday, October 2, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

### THE LATE HONOURABLE RON J. DUHAMEL, P.C.

#### TRIBUTES

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it was with great sadness that I learned, on Monday evening, of the death of the Honourable Ron J. Duhamel, P.C. I had spoken with his wife, Carolyn, on Friday, and they were then making arrangements with St. Boniface Hospital for him to return to his home for the weekend. It was where he wanted to be and it was where he died, surrounded by those he loved most.

Ron was an educator by profession. I first met him in 1984, when he was the Deputy Minister of Education for the Province of Manitoba. We had an instant connection in our desire to ensure quality education for the young people of our province. Indeed, one of the services that Ron provided throughout his years as an MP and as a senator, and even in September of this year, was to collect school supplies and to distribute them, each fall, to disadvantaged children in his community.

[Translation]

Ron asked my advice before the 1998 federal election and I encouraged him to run in order to continue the tradition of excellent representation by Franco-Manitobans. In three years, we have lost three great Franco-Manitobans who served their community: Neil Gaudry of the Manitoba Legislative Assembly, Gildas Molgat of the Senate, and now Ron.

[English]

Ron was elected in 1988 and re-elected in 1993, 1997 and 2000. In 1997, he became the Secretary of State for Western Economic Diversification and Science, Research and Development. In 1999, he became responsible for the Francophonie. On October 17, 2000, Ron became the Minister of Veterans Affairs and achieved well-deserved, enhanced benefits for those who have served this country so very well.

Honourable senators, Ron took all of his responsibilities seriously, but none more so than his desire to represent the official language minority, not only in Manitoba but throughout our country.

[Translation]

Regretfully, we were not able to enjoy Ron's company for long in this chamber, where he showed such great promise of playing an active role. Some of you did not have a chance to get to know him very well. Those of you who did will always remember him for his friendliness, dedication and great professionalism.

[English]

To his wife, Carolyn, I send my love and deepest sympathy. To his children, Kathy, Natalie and Karine, I hope that the wonderful memories of their father and his remarkable accomplishments will help to ease their pain.

**Hon. Terry Stratton:** Honourable senators, I rise today on behalf of our leadership, on behalf of our side and, in particular, on behalf of our Manitoba senators, Mira Spivak and Janis Johnson, to convey our deepest regrets to the family of Senator Ron J. Duhamel, P.C.

• (1410)

While Ron was in our house for only a short time, he came to us with a reputation of fairness and integrity, always open to talking, listening attentively and assisting where he could.

When Senator Duhamel last appeared here on June 4, 2002, it was the only time he made a statement in this chamber. I will quote part of that statement.

Honourable senators, when I was appointed to the Senate in September, I was overwhelmed — and that is not an exaggeration — by the kindness of all senators: their warmth, their knowledge of issues, and I could go on. Allow me to add one more point: how much work and the quality of work being done in the Senate is not always known or appreciated. I had some idea, but having been here for only a short time, I assure honourable senators that I can now speak about the Senate with even more passion than I did before.

The work that is done by senators, and a great amount of that has been done by certain individuals, has been quality work on important issues and questions. I thank honourable senators for that.

That, in itself, tells us a lot about Senator Duhamel.

I talked to Ron earlier about the possibility of getting together for lunch over the summer. He accepted eagerly and asked me to give him a call. I did call Ron in early July. Sure enough, his wonderful wife, Carolyn, got back to me because Ron was unable to at the time. She left a message that he would call. In early August, he did call. Unfortunately, I was out of the city at the time, as usual, and we did not connect.

If I had a message regarding what happens when someone becomes ill, especially over a protracted period of time — and many senators know this — it is that there is a certain loneliness to being housebound. Friends do not call and they do not come to visit. Ron expressed that as a concern. I think he received that love and care from the people in this chamber and, in particular, from his family. I urge honourable senators to continue to do that for anyone who becomes ill, housebound and isolated.



I can only say that I miss Ron and shall continue to miss him, for he represented what I believe are the highest standards of an individual in public life.

To his wife, Carolyn, and daughters, Kathy, Natalie and Karine, our deepest-felt sympathy. Our thoughts are with them at this time. God bless them all.

**Hon. Richard H. Kroft:** Honourable senators, I wish to pay tribute today to Ron Duhamel, a friend, a fellow senator and a fellow Manitoban with whom I have shared, for many years, the joys and challenges of political life.

Over the time that I have known and worked with Ron, we have each played several roles and worn different hats. Whatever hat he wore over that time — candidate, member of Parliament, cabinet minister or senator — Ron brought to it the same qualities that marked his entire life. Ron possessed enormous energy and the ability to focus it on the task at hand. He had a directness and forthrightness that made it possible to always know where he stood. His candour was disarming, and it served to encourage truth and honesty in any situation.

Whatever Ron's success, he never got caught in pretense or delusion. He had unstinting loyalty to the people he worked with, the leaders he served and the principles he lived by. He had pride in himself in the best sense of the word, in his wife, Carolyn, and in his children, Kathy, Natalie and Karine, in his community, his province, his country and his heritage.

Ron was, in many ways, a classic Canadian, bringing the richness of our Canadian languages and cultures together with superb skill and sensitivity. I know few people who have personified the history and meaning of the Manitoban culture in the way that Ron did. He was, indeed, a great Manitoban and a great Canadian.

Honourable senators, in a short time, we have lost two important people in the life of our province. Like his great friend Gil Molgat, Ron represented the best in Manitoban life. He was an example for us all. We will miss him but not forget him.

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, I met Senator Duhamel years ago, when I was in education and he was the Ottawa Regional Director for the Ontario Ministry of Education. Our shared objective was to establish French schools in Ontario at the elementary and secondary levels. Ron Duhamel worked to attain that objective. It was attained successfully, and today Ontario has a good French-language school system. Ron Duhamel had a great deal to do with that success.

In 1988, when Ron Duhamel was elected MP for Winnipeg and Saint-Boniface, I was the Liberal Party Whip. One of my duties was to welcome the new MPs. When Ron Duhamel arrived, it was a renewal of an old friendship. I had a social and professional relationship for some years with the doctor, as we called him, because of his doctorate in administration. This was not just anybody, this was a great Canadian.

Honourable senators, even though Ron Duhamel did not sit in the Senate for very long, he was active on the Canadian political scene for many years. We will miss him dearly. I offer my sympathies to his wife.

**Hon. Rose-Marie Losier-Cool:** Honourable senators, it is when he was the minister responsible for the Francophonie that I got to know our late colleague, the Honourable Ron Duhamel.

As the minister for the Francophonie, Ron Duhamel was looking forward to welcoming the heads of state and government of the 52 countries of the Francophonie, at the Moncton summit, in September 1999. Unfortunately, the first treatments for his disease did not allow him to discharge this honourable duty.

Ron Duhamel was tenacious and full of energy. As a Franco-Manitoban, he was very proud of his language and culture. He cared about the promotion of French in Canada, in America and throughout the world.

A few months later, in November 1999, when he was still fighting his disease, he co-chaired the Conférence ministérielle de la Francophonie, in Paris, with the Director General of the Francophonie, Boutros Boutros-Ghali. During that conference, Ron Duhamel worked hard and managed to get real initiatives for young people, whom he cared so much about, adopted. These initiatives included a program called "Mobilité jeunesse." A few months later, in February 2000, he attended the first conference of the Femmes de la Francophonie, in Luxembourg, where he gave his support to the creation of the Réseau des femmes parlementaires de la Francophonie.

The francophonie, education and economic development were his priorities. Among the numerous awards bestowed upon him was the Phi Delta Kappa Young Leadership of America Award - International Educational Fraternity, which he received in 1980.

In 1993, he was made a Chevalier de la Pléiade, which is the order of the Francophonie and of the dialogue of cultures, and, in 2000, he was made an Officier de la Pléiade.

During his professional career in education, administration and politics, Ron Duhamel liked to praise the virtues of being different. As Antoine de Saint-Exupéry said: "If I am different from you (through my language and culture), that does not diminish you, it makes you greater."

• (1420)

In my opinion, Ron Duhamel died too young. Today, the Senate is mourning a great human being. I offer my most sincere condolences to Franco-Manitobans, to the residents of Saint-Boniface, to all his colleagues and friends on Parliament Hill and, above all, to his family.

[English]

**Hon. Lorna Milne:** Honourable senators, I hesitate to stand today to pay tribute to Ron Duhamel, but I should like to share with you one simple anecdote that tells us a bit about the innate, kind and generous nature of this man.

In 1996, shortly after I was appointed to the Senate, there was a Liberal function at Harrington Lake, and I took my mother with me. She was 86 years old at the time and recovering from knee replacement surgery. Ron was on the bus. He literally lifted her

off the bus when we got there, put her in her wheelchair and pushed her over that rough and uneven ground to make sure that she met with the Prime Minister.

I will never forget his kindness to my mother. She still talks about it quite often. I will never forget him.

**Hon. Edward M. Lawson:** Honourable senators, my first involvement with Ron Duhamel was when he was the Minister Responsible for Western and Economic Diversification. We had a little problem in B.C. We had a company with 150 jobs, a \$25-million export business, and it looked like we would lose it all. I went to Minister Duhamel and told him that we needed some help. The company could be saved with a small transfusion of about \$2.5 million. He said, "I have a problem because our budget has been cut for Western and Economic Diversification in the past three years, and we do not have any money." I said, "We have to find a way to save this company because you already have an investment of \$4 million there, and there are the jobs as well." He said, "I think it would help if you talked to the big guy." I looked skyward, and he said, "No, no, the Prime Minister." I said, "I would certainly be happy to talk to him to impress on him the need to save these jobs."

To make a long story short, as result of Ron's dedication to his ministry and his hard work, we were able to save those 150 jobs. Those people are working in British Columbia now, earning a good wage and paying taxes. To a large degree the credit goes to Minister Duhamel. He was a fine man to work with, and we will certainly miss him.

## THE HONOURABLE JEAN-ROBERT GAUTHIER

### CONGRATULATIONS ON RECEIVING THE ORDER OF THE LEGION OF HONOUR

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I wish to point out that one of our colleagues has been honoured by the French government. A few days from now, Senator Jean-Robert Gauthier will be decorated with the Order of the Legion of Honour. Congratulations.

## THE HONOURABLE DAVID SMITH, P.C.

### WELCOME TO THE SENATE

**Hon. Jeremiah S. Grafstein:** Honourable senators, I rise to welcome our newest senator, David Paul Smith — such a simple name for a political master. Brother Smith comes to the Senate at the height of his political, business and legal powers. He bears the well-warranted, deserved reputation as the best political organizer of his generation. A political activist from his youth, he was enlisted by his mentor, Keith Davey, then chief Liberal organizer in Ottawa, after he left the presidency of the Young Liberals in the sixties.

Once ensconced in Ottawa, Senator Smith became an instant protégé of Mr. Pearson, who designated both himself and David as double "PKs" — kids whose fathers and grandfathers were pastors, men of the manse. Pastors' kids have always deeply influenced Canadian public policy. It was Mackenzie King who created the first external affairs organism in the East Block in the 1920s, composed of pastors' kids — sons of missionaries who

inculcated the social gospel as the first organizing idea of our foreign policy, which reverberates to this day.

David comes from a renowned family of evangelical preachers; hence, his first two names. You will hear the echoes of that eloquent tradition in his speeches and his knowledge of the Scriptures, Old and New. You will also hear the rhythms of great gospel music, of which he is a fervent follower.

David worked for Walter Gordon, then joined me as an assistant to John Turner in the mid-sixties when we assembled the book of John's speeches, entitled *The Politics of Purpose*, which still stands the test of time today.

Together with Lloyd Axworthy, we worked assiduously to make John Turner Prime Minister. Loyalties die hard amongst Liberals and so do misconceptions. It was John Turner who inspired the youth vote in 1968. It was David's idea to establish the 195 Club, composed of mostly Young Liberals who stayed with Turner through the last ballot and continued to support him thereafter. It was Turner who captured the Young Liberal vote in 1968.

Honourable senators, David and I shared common digs in Ottawa in the sixties. Together with Lloyd Axworthy, we managed successfully the floor fight at the Liberal convention to introduce medicare. Memories fade, but we still recall the proponents and opponents of what was to become a cornerstone of Liberal policy.

David then went to Osgoode Hall Law School and then on to Queen's University, where he uncovered Tom Axworthy and where he met and later married Heather Smith — now a pre-eminent justice of the Court of Appeal of Ontario — raised a talented family, and commenced the practice of law. He then ran quickly for municipal office in Toronto, rising to deputy mayor.

Honourable senators, perhaps I will conclude on another day.

## FISHERIES AND OCEANS

### COAST GUARD—WITHDRAWAL OF SEARCH AND RESCUE SERVICES ON WEST COAST

**Hon. Pat Carney:** Honourable senators, the erosion of search and rescue services on British Columbia's coast is raising fears that the Canadian Coast Guard is abandoning its core mandate of "Safety First and Service Always." Over the past few years, the withdrawal of search and rescue services has placed lives at risk on our coast and in coastal waters.

Examples of erosion to our search and rescue services are numerous. First, on August 13, the fishing vessel *Cap Rouge II* overturned in the Strait of Georgia, killing five residents of the Gulf Islands and lower coast. Without a working hovercraft to transport the personnel, the Coast Guard lost valuable time getting to the overturned vessel. Further valuable time was lost as the Coast Guard divers, adhering to DFO policy, were not allowed to enter the capsized vessel and rescue was delayed until the military divers arrived 90 minutes later. In the aftermath of the disaster, the minister released a procedure for the Coast Guard to follow that contradicted his divers and does little to clarify the role of a Coast Guard diver with respect to entering a capsized vessel.



Second, the town of Gibsons, located on B.C.'s Sunshine Coast, has one of the busiest Coast Guard auxiliary units on the West Coast. Steve Sawyer, the auxiliary captain, says:

With all the federal cutbacks squeezing scant resources, the auxiliary is taking over virtually all of the search and rescue.

Each auxiliary unit is responsible for raising money for equipment. Gibsons' small population base makes it difficult to raise funds. Therefore, the auxiliary unit is leasing its Zodiac from the Pacific Coast Guard Auxiliary, as the cost to purchase a new Zodiac is \$150,000. A few months ago, they were told that they must purchase the leased Zodiac by the end of the summer at a cost of \$25,000 or lose it. If the auxiliary units in these smaller communities are expected to take on search and rescue duties and this type of expensive equipment is required, then the federal government should assist.

Third, the Coast Guard plans to remove the foghorns from many mid-coast and north coast light stations. The decision has not been well-publicized, although the November 28 deadline for public input is rapidly approaching. The removal of foghorns on a coast often shrouded in dense fog is a dangerous decision that will put many lives at risk. According to one 30-year-old veteran B.C. tugboat operator:

When you navigate, you use every means to navigate...removing foghorns will put the lives of mariners in danger.

Fourth, the Minister of Fisheries and Oceans confirmed, in a letter to myself dated September 24, that his department is once again considering de-staffing light stations. This is despite the promise by former Fisheries Minister David Anderson, that light keepers would remain at the 27 stations in B.C. At the time, the minister stated:

British Columbians, particularly in the Coastal Communities, have asked us to keep the lightkeepers at their stations and that's why we are doing it."

I should like to inform the current minister that nothing has changed in this regard. British Columbians still want lightkeepers on the lights.

Honourable senators, budget constraints have reduced the ability of the Coast Guard to fulfil its mandate of saving lives and carrying out search and rescue operations. Surely, the Liberals' "spending agenda" should include the provision of life-saving services to coastal communities. Coastal Canadians expect no less from their national government and the Department of Fisheries and Oceans, and an inquiry into the Canadian Coast Guard's withdrawal of these search and rescue services is warranted.

• (1430)

#### BAR MITZVAH SPEECH OF ZACHARY LOGUE

**Hon. Laurier L. LaPierre:** Honourable senators, I should like to share with my colleagues in the Senate today an excerpt from the speech of 13-year-old Zachary Logue on the occasion of his Bar Mitzvah. He took his inspiration from the story of Balaam and Balak in what my culture calls the Old Testament.

And just as Balaam learned about tolerance and peace from his encounter with G-d, I believe that my Jewish heritage and upbringing has taught me how to take my place in the Jewish community as well as the community at large.

In terms of tolerance, I believe it is very important to keep an open mind and to be willing to listen to and learn from those around you.

In turn, tolerance leads to increased understanding and respect for those of different backgrounds, whether the differences relate to race or religion or other aspects of a person's background. For me, religion and religious freedom are particularly important since I came from parents of different religious backgrounds — my mother is Jewish and my father is Catholic. In my view, religious beliefs should be a source of comfort, not a source of comparison or basis for judgment.

I believe that the message of any religious group should be one of inclusion, that is, creating a sense of community and belonging, rather than one of exclusion that isolates people and creates suspicion and mistrust of those with different religious beliefs.

And that in turn leads to peaceful coexistence of people of different backgrounds in our larger community. So today, I proudly take my place in the Jewish community and look forward to participating as a Jew in the larger community where I can apply the message of the tale of Balak and Balaam, that is, to be willing to be open to others' points of view, to learn from each other and to live in peace.

I hope, honourable Senators, that this instils your faith in the young people of Canada.

[Translation]

#### ILLEGAL DRUGS

##### CONGRATULATIONS TO THE HONOURABLE PIERRE CLAUDE NOLIN ON CHAIRMANSHIP OF SPECIAL SENATE COMMITTEE

**Hon. Marcel Prud'homme:** Honourable senators, I rise today to congratulate the members of the Special Senate Committee on Illegal Drugs and in particular its chair, Senator Nolin, for the very high quality of the report published on September 4 of this year.

Rarely in the history of our institution have we seen recommendations produced by a Senate committee receive such broad media coverage, not just in Canada, but also in the United States, Europe and Asia.



In order to achieve such success, Senator Nolin demonstrated unwavering determination and leadership as he strove to reach two of the principal objectives he set himself on undertaking this ambitious project in April 2000. First, the committee conducted a rigorous, objective and exhaustive analysis of the problems associated with the use and sale of marijuana in Canada, thus eliminating prejudices and moral judgments which, for close to a century, have too often crept into the discussions about the adoption or reform of laws in this regard.

I wish to point out, honourable senators, that the committee conducted its study with limited financial resources and a small research team, whose talents nonetheless made possible the production of a report of over 700 pages within a tight time frame. The conclusions and recommendations contained in the report are based on an analysis of a series of scientific studies done in Canada, the United States and Europe, and on the input from 234 witnesses. The odds are that it will rapidly become an essential reference for any individual or policy maker interested in the origins and the reform of public policies on cannabis.

Honourable senators, I am not alone in this view. In a September 12 letter to the Prime Minister, the John Howard Society of Canada had this to say about the committee's report:

[English]

The recommended policies are grounded solid, the analysis is rigidly tested against the best scientific evidence, and the conclusions and recommendations are rational and deliberate without giving ground to political anxiety. The proposal brings new, refreshing and hopeful light to this area of public policy.

[Translation]

Which brings me to the second objective that the committee attained, that of provoking a real debate among Canadians, so that they might give some serious thought to the variety of options available to them to put an end to the devastating effects of drug prohibition.

Let us not forget that the socio-economic costs of this policy far outweigh its benefits, as the committee report demonstrates. Considerable financial and human resources have been diverted from the fight against poverty, from improving our health care system and from improving the competitiveness of the Canadian economy.

Given this context, should we decriminalize or simply regulate the use of cannabis?

[English]

**The Hon. the Speaker:** Senator Prud'homme, your three minutes have expired. Is leave granted, honourable senators, to continue?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Senator Prud'homme, you may continue tomorrow.

[ Senator Prud'homme ]

## NEWFOUNDLAND AND LABRADOR

### GANDER—CEREMONY IN REMEMBRANCE OF EVENTS OF SEPTEMBER 11, 2001

**Hon. Ethel Cochrane:** Honourable senators, on September 11 of this year, I was honoured to attend a ceremony in Gander, in remembrance of the events of September 11, with the Prime Minister, United States Ambassador Paul Cellucci, as well as leaders and dignitaries of all political stripes. As anyone who was there can tell you, it was a touching ceremony. Like others around the world, we gathered in solemn remembrance of all those whose lives were taken in those events.

However, honourable senators, the ceremony in Gander offered much more than that. It was not a day for anger and loss, it was not a reflection on evil, but one of gratitude and reflection on the power of kindness. In this town of 10,000, representative of others across the province, region and our country, people came together on September 11, 2001, opening up their hearts, homes, churches and schools to complete strangers from around the world. In hindsight, in spite of the best efforts of the terrorists, a new community was born, serving as a symbol of all the good that exists in this world.

Honourable senators, much has been written about Newfoundland and Labrador's hospitality during last year's crisis. I should like to share with you some insights from some of those visitors, insights that illustrate the positives that happened that day. One stranded passenger wrote: "But out of all the destruction and sadness comes something wonderful, a realization that the world is filled with kind, compassionate and caring people everywhere."

Another said: "For most people around the world, the events of 9-11-2001 have left deep marks of pessimism and negative feelings. I for one cherish the warm humanity you offered me during my (forced) stay in the lovely town of Gander."

Another wrote: "Looking back over the last year I find your flame of understanding, hospitality, warmth, and openness [growing in my heart]."

Honourable senators, I should like to suggest that the warmth of human kindness is the Canadian legacy of September 11. When evil acts caused many people to close themselves off and retreat from the world, Newfoundlanders and Labradorians opened their hearts and homes to strangers in need. They offered warmth, understanding and friendship. Indeed, one year later, that is proving to be Canada's lasting legacy.

**Hon. Senators:** Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

COMMENCEMENT OF SITTINGS ON WEDNESDAYS  
AND THURSDAYS—NOTICE OF MOTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that tomorrow, Thursday, October 3, 2002, I will move:

That, for the duration of the current session, when the Senate sits on a Wednesday or Thursday, it do sit at 1:30 p.m., and that rule 5(1)(a) be suspended in relation thereto.

TAX CONVENTIONS IMPLEMENTATION BILL, 2002

FIRST READING

**Hon. Fernand Robichaud (Deputy Leader of the Government)** presented Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

• (1440)

[English]

NATIONAL ANTHEM ACT

BILL TO AMEND—FIRST READING

**Honourable Vivienne Poy** presented Bill S-3, to amend the National Anthem Act to include all Canadians.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Poy, bill placed on the Orders of the Day for second reading two days hence.

FEDERAL NOMINATIONS BILL

FIRST READING

**Hon. Terry Stratton** presented Bill S-4, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Stratton, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

NATIONAL ACADIAN DAY BILL

FIRST READING

**Hon. Gerald J. Comeau** presented Bill S-5, respecting a National Acadian Day.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, second reading of the bill placed on the Orders of the Day for consideration two days hence.

L'ASSEMBLÉE PARLEMENTAIRE  
DE LA FRANCOPHONIE

EIGHTEENTH ANNUAL SESSION, JULY 22, 2002—  
REPORT TABLED

**Hon. Pierre De Bané:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie, as well as the financial report relating thereto. The report deals with the 18th annual session of the APF, which was held in Berne, Switzerland, on July 22, 2002.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

SPRING SESSION OF NORTH ATLANTIC ASSEMBLY,  
MAY 24-28, 2002—REPORT TABLED

**Hon. Shirley Maheu:** Honourable senators, I have the honour to table, in both official languages, the 30th report of the Canadian delegation of the NATO Parliamentary Association on the spring 2002 session of the NATO Parliamentary Assembly, held at Sofia, Bulgaria, from May 24 to 28, 2002.

[English]

CANADA-UNITED STATES  
INTER-PARLIAMENTARY GROUP

FORTY-THIRD ANNUAL MEETING, MAY 16-20, 2002  
REPORT TABLED

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the forty-third annual meeting of the Canada-United States Inter-Parliamentary Group held in Newport, Rhode Island, from May 16 to 20, 2002.



## THE SENATE

### OFFICIAL LANGUAGES COMMITTEE— CHANGE TO RULE 86—NOTICE OF MOTION

**Hon. Jean-Robert Gauthier:** Honourable senators, I give notice that, pursuant to rule 57(1)(a), on Tuesday next, October 8, 2002, I will move:

That rule 86 of the *Rules of the Senate* be amended by replacing paragraph 1(e) with the following:

[Translation]

“Official Languages

(e) The Standing Committee on Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.”; and

That a Message be sent to the House of Commons to acquaint that House that the Senate will no longer participate in the Standing Joint Committee on Official Languages.

## PARLIAMENT HILL

### ACCESS TO PRECINCT—NOTICE OF MOTION

**Hon. Eymard G. Corbin:** Honourable senators, I give notice that on Thursday, October 10, 2002, I will move:

That the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service do take care that during this Session of Parliament streets and roads leading to the Senate precincts be kept free and open and that no obstruction be permitted to hinder the passage of Senators to and from the precincts of this House; and

That the Clerk of the Senate do communicate this order to the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service.

[English]

### SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

#### NOTICE OF MOTION

**Hon. Douglas Roche:** Honourable senators, I give notice that two days hence I will move:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.

## AMERICA DAY IN CANADA

### NOTICE OF MOTION

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I give notice that on Tuesday, October 8, I will move:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as “America Day in Canada.”

## NATIONAL SECURITY AND DEFENCE

### REPORT ENTITLED “CANADIAN SECURITY AND MILITARY PREPAREDNESS”—GOVERNMENT RESPONSE—NOTICE OF MOTION

**Hon. Colin Kenny:** Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That within three sitting days of the adoption of this motion the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Senate Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, tabled on February 28, 2002.

[Translation]

## THE SENATE

### ALLOTMENT OF TIME FOR TRIBUTES—NOTICE OF MOTION

**Hon. Jean Lapointe:** Honourable senators, I give notice that two days hence I will move:

That rule 22 of the *Rules of the Senate* be amended by adding, after subsection (9), the following:

“Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of “Senators’ Statements” shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading “Tributes” in the *Journals of the Senate* and the *Debates of the Senate*.



No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators.”

[English]

## UNVEILING OF PORTRAITS OF SIR JOHN ABBOTT AND SIR MACKENZIE BOWELL AND RESULTING INSIGHTS ON CURRENT EVENTS

### NOTICE OF INQUIRY

**Hon. Lowell Murray:** Honourable senators, I wish to revive a notice of inquiry that expired with prorogation. I give notice that on Thursday next, I will call the attention of the Senate to:

(a) the unveiling of the portraits of former Prime Ministers Sir John Abbott and Sir Mackenzie Bowell, on Monday, June 3, 2002; and

(b) insights to current events to be gleaned therefrom, including the challenge to Prime Minister Bowell by Sir George Foster, his Finance Minister.

[Translation]

### ILLEGAL DRUGS

#### REPORT OF SPECIAL COMMITTEE— NOTICE OF INQUIRY

**Hon. Pierre Claude Nolin:** Honourable senators, I give notice that on Tuesday next, October 8, 2002:

I will call the attention of the Senate to the findings contained in the report of the Senate Special Committee on Illegal Drugs entitled “Cannabis: Our Position for a Canadian Public Policy”, tabled with the Clerk of the Senate in the First Session of the Thirty-Seventh Parliament, on September 3, 2002.

[English]

## QUESTION PERIOD

### NATIONAL DEFENCE

#### SPEECH FROM THE THRONE—REPLACEMENT OF SEA KING HELICOPTERS—EFFECT OF REVIEW ON DEFENCE AND FOREIGN POLICY

**Hon. J. Michael Forrestall:** Honourable senators, I wish to start out by asking whether the minister is prepared to answer questions raised by Janice Cochrane, Deputy Minister of Public

Works, with respect to the purchase of certain pieces of equipment.

Honourable senators, my question is for the Leader of the Government in the Senate. I welcome her back. She is looking charming and her hair is a nice shade of grey. I do not know whether that is from worry or from a good and pleasant summer.

We learned in the Speech from the Throne that the long-awaited defence and foreign policy review will come on the heels of the airing of the current defence review and update, underway now. I should like to ask about these two matters and the reasons for the stalling and the unconscionable delay in getting on with the replacement for the Sea Kings.

Does the Leader of the Government in the Senate have any knowledge that might lead her to believe that the defence review will scrap a large number of naval ships, including support ships and destroyers? Will the government need to decrease the number of maritime helicopters to fit the new size of the recommended naval force?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I welcome back the honourable senator, and I am delighted to be back here to answer his questions on defence policy for the Government of Canada.

All of us, at least on this side, were extremely pleased with the news announced in the Speech from the Throne with respect to the programs and initiatives of the government for the next period of time, probably up until the next election. In that announcement, of course, was the news that both a defence and a foreign affairs review would be taken together. It is important — and I think we have all admitted in this chamber that it is important — that we know what our foreign policy will be so that our defence policy can be in lockstep.

However, to prejudge such a review, as the honourable senator indicates today that he wishes to do, is not in our best interests. Such a review must take place with a fully open approach to the issues of both defence and foreign affairs.

**Senator Forrestall:** Honourable senators, does the leader consider one sentence turned into a paragraph — one sentence — adequate coverage, exposure and transparency of the government's positions, views and wishes for the Canadian Armed Forces?

**Senator Carstairs:** Honourable senators, it is very clear that the government has a number of agenda items it wishes to address. I am, for example, extremely excited about the broadening of the coverage for palliative care for those suffering from grave illness and that the government will use programs presently in place to provide benefits for those who will be caring for such individuals. That topic, honourable senators, received only one sentence as well.

#### REPLACEMENT OF SEA KING HELICOPTERS—RATIONALE FOR PURCHASE OF NEW CHALLENGERS FOR GOVERNMENT FLEET

**Hon. J. Michael Forrestall:** Honourable senators, if this is what we can expect with respect to questions concerning Canada's Armed Forces, then I am very disappointed and I am sure the people of Canada will be very disappointed. There is an interest out there, and it is legitimate.

I will pose Deputy Minister Cochrane's questions and express her concerns to see if the Leader of the Government in the Senate cares to respond. Ms. Cochrane asked:

Why could we buy Challengers for ministers in two weeks but still have not bought helicopters to replace the Sea Kings?

How is this consistent with our commitment to competitive procurement?

Ms. Cochrane also feared the jet purchase would be linked to health care spending and said:

If the federal government cannot afford more funding for health care, how can it afford new planes while the old ones are still operational?

The questions go on.

My question is this: What was the rationale for this purchase? Can we expect something more forthcoming in terms of the leader's responses to questions about matters that involve the lives of young men and women in the Canadian Armed Forces?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator indicates he does not get responses. I had some statistical work done this summer. In the years 2001-2002, since I have been the Leader of the Government in the Senate, I have taken 1,374 questions and have given immediate responses to 1,179 of them. I took 195 on delay, and at the end of session, and we did not think it would be the end of session, only seven were outstanding.

I think it is very clear to the honourable senator that I take his questions seriously. I also take the questions of Ms. Cochrane extremely seriously, if they are the questions that have been expressed by her.

However, the issues that the honourable senator has addressed in terms of planes for government ministers as opposed to Sea Kings is an apples and oranges debate, as are health care spending and defence spending. Clearly, government must set priorities and government will set those priorities. The government has indicated, above and beyond all else, that it will not go into a deficit position.

## HUMAN RESOURCES DEVELOPMENT

### RETROACTIVE PAYMENTS TO LATE APPLICANTS FOR GUARANTEED INCOME SUPPLEMENT

**Hon. David Tkachuk:** Honourable senators, this July it was revealed that HRDC issued a \$20,000 cheque for five years' worth of back payments to an elderly woman on the basis that she was not made sufficiently aware of her eligibility for guaranteed income supplement payments. If a person does not apply for the GIS before they turn 65, the retroactive payments he or she can receive at a later date go back only 11 months. However, in this case, Human Resources Minister Jane Stewart used her discretion to issue the cheque.

• (1500)

Using the same reasoning, I would imagine, it is estimated that 300,000 people are also eligible for similar payments, meaning that the government would have to pay out as much as \$2.5 billion. Will other seniors across the country be offered similar back pay?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, there is a means by which an appeal can be made to the honourable minister in such a case. If undue hardship can be shown, then obviously the honourable minister has an ability to use her discretion.

However, what is far more important in the honourable senator's question is that a great many Canadians were not aware of the process by which they could apply for the income supplement. The government has put into place a program that would make them more aware of this. I would suggest to the honourable senator that, as a result, there have been more applications made and accepted.

**Senator Tkachuk:** That is a concern of mine. I am still not sure what that means for the rest of the estimated 300,000 people eligible for similar payments. Is the leader saying that if they make application, they will be able to get full retroactivity rather than 11 months as presently stated?

**Senator Carstairs:** No, I did not say that. What I said was that there was the ability. My honourable friend saw an example where the honourable minister did use her discretion. In some cases that discretion can be used.

**Senator Tkachuk:** Is the government, because of this back payment, considering changing the time limit so that there are no time limits for retrieving unpaid income tax? I use the phrase "income tax" because, in the case of the income tax department, they do not have that 11-month time period, whereas it seems they do for seniors.

Is the government considering changing the old age security program to allow for the retroactive payments to be extended past the 11 months, whether it becomes automatic or whether they can show a need, or is this just a matter of a ministerial discretion that she can use politically?

**Senator Carstairs:** There is ministerial discretion. I would suggest to the honourable senator that it is not based on politics; it is based on need.

To answer the honourable senator's first question, the answer is short — no.

**Senator Tkachuk:** One case out of 300,000. Is the honourable leader saying that if those people can show need, they should make application and that there is a good chance that the 11-month period will be extended?

**Senator Carstairs:** No, Honourable Senator Tkachuk. I did not say that.



**Senator Tkachuk:** What are you saying then?

**Senator Carstairs:** First, I do not know if there are 300,000 cases. That is an estimate, and it is your estimate. I agree that others have estimated the number, but it is certainly not a government figure.

In terms of the ability to recognize specific hardship cases, that is a ministerial discretion, but it is extremely limited in its ability to be applied.

## ILLEGAL DRUGS

### REPORT OF SPECIAL COMMITTEE— DECRIMINALIZATION OF MARIJUANA— COMMENTS BY UNITED STATES DRUG CZAR

**Hon. Edward M. Lawson:** Honourable senators, my question is for the Leader of the Government in the Senate. When Senator Nolin, on behalf of the Senate committee dealing with drugs, issued the report recommending the decriminalization of marijuana, U.S. Drug Czar John Walters said in a statement that he was sure Canadians would not be so naive and would be too intelligent to do such a thing, which is kind of a subtle position.

Senator Nolin and I were at a drug conference last week in British Columbia. The Governor of New Mexico was there. He told us that the U.S. Congress adopted a resolution in 1988 to make the United States drug-free by 1995. How are they doing? Their jails are filled to overflowing. Last year they spent \$40 billion on their war against drugs. He said the drug czar was one of the few people in America who had not realized that they have lost the war against drugs.

In view of the Speech from the Throne and the reference that the government may consider decriminalizing marijuana, Mr. Walters sent a statement to *The Globe and Mail*. In it, he said:

I hope the Canadian government does not head down the risky path of decriminalization or legalization.

*The Globe and Mail* article went on to say:

While Mr. Walters said that he respects Canada's right to set its own policy...he believes decriminalization would prompt U.S. lawmakers to tighten border controls, disrupting Canada-U.S. trade.

That is not subtle; that is a threat.

Will the appropriate minister, who I believe is the Prime Minister, tell U. S. Drug Czar John Walters, if he respects our rights, to butt out?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the Honourable Senator Lawson for that question.

I would make one correction, however, to his opening remarks, and that is that the Senate committee, lead so ably by Senator Nolin, did not recommend decriminalization; it recommended legalization.

What has been said in the Speech from the Throne is that the government will look at the issue of decriminalization. I know from my discussions with Minister Cauchon that the government will examine the Senate committee's report in some detail, as well as the committee report that we are expecting from members of the House of Commons, which should be tabled sometime this fall. As to his specific question, changes to the Criminal Code are made in Canada for Canadians; they are not made in Canada for Americans or any representative of the American government.

**Senator Lawson:** I want someone to send a message to Mr. Walters. We understand the pressure that the Americans are bringing on the Canadian government or people in Canada. They want their policy imposed here. I would like to nip this in the bud and tell them "no more threats." We can do without those. We thank him for his interest, but no more threats.

**Senator Carstairs:** I thank the honourable senator for that comment. I will make it clear to Minister Cauchon and to the Prime Minister that I believe the general spirit and feeling of this chamber is that we do not like threats at all.

**Hon. Marcel Prud'homme:** Honourable senators, I have a supplementary question. It will allow me to sneak into the debate the end of my Senator's Statement earlier today. I will buy another old clock; it seems mine does not work because I thought I had taken only three minutes for my statement.

In reference to what Senator Lawson has said, the report that was prepared, published and is at our disposal is an invitation for reflection. I kindly ask the minister to remind the cabinet members who may have seen this report that it is extraordinarily good food for reflection, as was the Senate's report on euthanasia.

Now the world is asking us for this new report. My hope is that Senator Lawson and I can send the 800-page report on illegal drugs to Mr. Walters so that he can at least read it and be well-informed. The suggestion would be that either the honourable leader send him the report to defend the integrity of Canadians or that she encourage Senator Lawson and I to send him a copy of the report. That is what I wanted to say at the end of my earlier statement.

**Senator Carstairs:** Honourable senators, I would be surprised if Mr. Walters has not already received a copy of the report, given his statements on the issue. However, the honourable senator's suggestion is entirely appropriate. It would be most appropriate if Senator Nolin sent that report to Mr. Walters, as he chaired the committee. I think he has now become, along with the members of that committee, including Senators Kenny, Rossiter and Banks, quite authoritative on this issue. I would encourage them to send the American drug czar the report they have recently tabled.

I also hope, quite frankly, in light of the announcement that the Honourable Senator Nolin made today, that he will begin an inquiry on his report and that honourable senators will participate in that inquiry. The more evidence and the more points of view that the government has before it will make it easier for the government to come to a decision.



## TRANSPORT

### AIRLINE INDUSTRY—PROPOSALS TO INCREASE FOREIGN COMPETITION

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. It deals with the report reviewing Canada's air transport policy, focusing on open skies. In that report, written by Debra Ward for the Department of Transport — that is, the third section of her report — it is recommended that Ottawa open the skies to foreign air carriers to boost allowable foreign ownership levels of domestic airlines to 49 per cent.

• (1510)

Is it the plan of this government to act on these suggestions and, if not, what are the government's proposals to increase competition in the skies?

**Hon. Sharon Carstairs (Leader of the Government):** I would thank the honourable senator for that question. As he knows, Ms. Ward's report was received only recently by departmental officials and, more particularly, by the Minister of Transport, the Honourable David Collenette. It is currently under study.

Mr. Collenette recently indicated that he feels confident that there is growing competitiveness in Canadian air transportation, a competitiveness that did not exist even a few short months ago. The whole issue is being studied carefully.

**Senator Oliver:** Honourable senators, would the minister determine whether there is active consideration ongoing about the foreign ownership limit and whether there is any possibility of increasing that limit to 49 per cent?

My supplementary question deals with the imposition of the \$24 security surcharge to pay for security improvements at airports in the wake of the terrorist attacks of last year.

The Ward report, which was two years in the making, indicates that the \$24 security surcharge has imposed "an undue and unfair burden on air travellers." That, of course, is exactly what we on this side have said on many occasions, in this chamber.

Would the Leader of the Government in the Senate please provide us with her government's response to this latest criticism of the \$24 security charge?

**Senator Carstairs:** Honourable senators, I can confirm that there is currently no discussion regarding a specific foreign ownership percentage. Presently, the whole broad issue of the Ward report is engaging the minister.

As far as the surcharge is concerned, the government made a commitment to a fall review, and that review will commence.

## CITIZENSHIP AND IMMIGRATION

### APPLICANTS FOR CITIZENSHIP BY IMMIGRANTS FROM UNITED STATES AND UNITED KINGDOM

**Hon. Norman K. Atkins:** Honourable senators, my question is directed to the Leader of the Government in the Senate. I am aware that she will not be able to give us a direct reply today.

Over its history, Canada has enjoyed the immigration of people from the United States and the United Kingdom. In fact, I emigrated from the United States. Could the leader tell us how many immigrants from the United States and the United Kingdom have applied for citizenship over the last five years?

As a supplementary to that question, could the minister at some time tell us how, as a percentage, that number compares to the number of immigrants from other countries?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for that question. I think it would be important to broaden the question to include landed immigrants rather than restrict it to only those who applied for citizenship. I would be pleased to get those figures for the honourable senator.

I can indicate to the honourable senator, from my modest knowledge of immigration figures, that the percentage has certainly decreased, although I cannot say whether the actual numbers have decreased. However, I will provide a full answer to that question as soon as possible.

## HEALTH

### SPEECH FROM THE THRONE—POSSIBLE INCREASE IN TAXES TO PAY FOR SERVICES

**Hon. Terry Stratton:** Honourable senators, there was widespread speculation on Tuesday in the other place that, in the Speech from the Throne, the Prime Minister was setting the stage for future tax increases to pay for increased health care spending. Can the Leader of the Government in the Senate assure the Senate that this is not the case and that headlines such as the one in the *National Post* that reads, "PM hints tax hike in offing" are off the mark?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, the Prime Minister made no reference specifically to any form of tax hike. He made it very clear that Canadians had to live within their means. However, he also reflected on the fact that, if we want the kinds of services that we have in Canada, and if we want enhanced services in a number of areas, there is a price to pay for those services. However, Minister Manley has asked all ministers to look within their own budgets to see if there are program expenditures that could be shifted in order to meet new needs.

**Senator Stratton:** Honourable senators, the comment was made earlier — and was later denied, of course — that there was a likelihood of a GST increase from 7 per cent to 10 per cent. That comment was made on September 11 or September 12 and then denied a week later. However, it is hint of a potential tax increase.

Health Minister Anne McLellan is quoted in the *Vancouver Province* of September 15 as saying that if Canadians want a high quality, publicly financed system "they are going to have to pay for it." When asked if this might mean higher taxes, she said "maybe".

If "higher taxes" does not mean a 10 per cent GST, then what does it mean — higher income taxes, a new health care premium, a hike in gas taxes? These hints keep coming out. Little flags are run up the pole to test the wind. You can see this escalating, and that is my concern. These little flags keep going up and down the pole. I want to know whether it is real.

**Senator Carstairs:** Honourable senators, let us deal first with the so-called story on the GST. It did not take the government a week to respond, as Senator Stratton indicated. The Prime Minister responded that very afternoon that that was a fantasy that would not become a reality. I think we have a pretty firm commitment on that issue.

This fall, we are expecting two extremely serious reports on our health care system: one from our own Senate committee chaired by Senator Kirby, and the other from the Honourable Roy Romanow, the commissioner the government appointed to develop a health care policy.

Although the members of the Senate committee know what is in their report, I do not. We do not officially know what will be in that report and what additional expenditures it will recommend. We have no idea what will be in the Romanow report and what additional expenditures he may recommend. We do know that there is to be a first ministers' conference, probably in January, with respect to the future of health care in this country. We would be premature to speculate about the costs before we see the recommendations of both the Senate and Mr. Romanow.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to the presence in our gallery of distinguished visitors. These are participants in the Interparliamentary Cooperation seminar of the CPA. The legislatures represented include Senegal, Mauritania and Romania.

On behalf of the Senate, welcome.

**Hon. Senators:** Hear, hear!

### SPEECH FROM THE THRONE

#### POINTS OF ORDER

**Hon. Lowell Murray:** Honourable senators, I wish to raise a point of order arising from several incidents that occurred during the official opening of the new session of Parliament on Monday last. I trust my point of order will be received in the spirit in which it is intended.

The official opening of a new session of Parliament is a solemn occasion, and properly so. It is invested with certain symbolism representing some of our most cherished traditions. It brings together the three estates of Parliament — Crown, Senate and Commons — to hear the reasons for which we have been convened.

• (1520)

We can all take some pride and satisfaction in the fact that, over the years, the authorities — whether they be at Rideau Hall, in the Senate, or elsewhere in the government — responsible for this ceremony have taken great care to ensure that the dignity and solemnity of the occasion are respected.

However, two incidents occurred Monday last that should not go unremarked and that the proper authorities should resolve will not recur. First, while Her Excellency was reading the Speech from the Throne, our ears were assaulted by the simultaneous translation in the other language booming into the chamber, whether over the public address system or otherwise, I do not know, but it was, frankly, quite disrupting and detracted, in my view, from the solemnity of the occasion. This audio disruption was an imposition on the Governor General and on the rest of us. I have not inquired as to its cause, but I seem to recall that this has happened on a previous occasion, which is why I am bringing this matter forward. There was a suggestion that this situation arose because of the presence of the broadcast booths in the chamber; another suggestion raised the question of defective wiring in this chamber. Whatever the reason, care should be taken to make absolutely certain that this does not occur again. If that means sending the broadcast people elsewhere or rewiring this place, then those steps must be taken. We cannot have a recurrence of that disruption.

The second matter I wish to raise — and I trust I will not be hurting anyone's feelings — is that some honourable senators seemed unable to contain their enthusiasm for the agenda and policies contained in the Speech from the Throne and proceeded to interrupt the reading of the speech with applause and also to greet the end of the speech with applause. I was going to say that this behaviour was unprecedented, but a colleague informs me that this happened on one previous occasion, perhaps at the last Speech from the Throne. Let me express the view that it is something that, in my experience, has never happened during a Speech from the Throne or after a Speech from the Throne. We are required to hear the Queen's representative in silence and only after she or he is safely out of the building, to commence the debate. The reason for which we must hear the Speech from the Throne in silence must be obvious to all honourable senators: If it is open to some honourable senators to express their enthusiasm by applauding, then it is surely open to other honourable senators to express their displeasure here or there by groaning, heckling or responding in our traditional fashion. This would be an affront and offensive to the dignity of the occasion and to the Crown.

Honourable senators, I place those two matters before you in the hope and expectation that, in due course, we might have a considered commentary from Your Honour on the matter.

**Some Hon. Senators:** Hear, hear!

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I should like to join with the Honourable Senator Murray and indicate that the audio disruption was indeed very distracting from my position. Therefore, it must have been even more distracting for the Governor General, who was trying to read over the echo of that particular sound. Clearly, it is something that we must address. I am not sure that such a disruption has happened when we have had the more formal ceremony, but it has certainly happened previously. I do not know the reason for the audio difficulties, but the reality is that it was extremely distracting and must have been very difficult for the Governor General.



The other issue that the honourable senator raises is also one that is totally unfair to the Governor General. Her Excellency is given a speech to read on behalf of the Government of Canada. It is not her speech. The appropriate time for applause and perhaps nays, as the case may be, is when senators and members of the other place, including the prime minister, address the issue in their respective Houses, in Reply to the Speech from the Throne.

However, there was also a third incident that gave considerable concern to me, an incident that honourable senators may not have noticed, and that is, that a member of the other place decided to cross the bar and to take his seat next to Senator Biron because the seat was empty. It is understandable that members of the other place can become uncomfortable after standing for a period of time; in addition, it tends to be very warm when this place attempts to meet the lighting needs of the television cameras. In this case, when asked to leave by one honourable senator, the member in question did not seem to feel that that was necessary. However, when the whip on our side specifically made the request, the member left the chamber.

Honourable senators, in the future, we will need to send out crib notes about what is expected in terms of decorum when such an event is taking place in this chamber.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, in the spirit in which the point of order has been raised and is being addressed, there was a fair degree of disorder on Monday, September 30, 2002. I agree with the Leader of the Government in the Senate and with my colleague Senator Murray on the three points that they have raised. Indeed, we noticed the stranger in the house, a matter about which the *Rules of the Senate* is very clear. Until such time as our Constitution is changed, it is important for us to maintain the integrity of the institution, its rights and privileges. This is the duty of all honourable senators. Our British Westminster bicameral system has worked well for over 135 years. It is incumbent upon us to attend to these particulars.

Part of the problem may be associated with a lack of knowledge of etiquette by members of the other place, as well as by the public at large. It is my hope that Heritage Canada or some other branch of government might attend to this matter at some point. One would have noticed that when the justices of the Supreme Court of Canada arrived in the chamber, all honourable senators rose.

**An Hon. Senator:** No.

**Senator Kinsella:** Some honourable senators rose.

**Senator Bolduc:** Many.

**Senator Kinsella:** Tradition has it that when a member of the Supreme Court of Canada comes to this place as a deputy of Her Excellency, or indeed Her Excellency herself, it is quite proper that we rise.

A number of matters relate to this point of order. Perhaps His Honour will address these matters as well.

For example, the proclamation that was issued and published in the *Canada Gazette* summoning parliamentarians to meet reads, in part:

To Our Beloved and Faithful Senators of Canada, and the Members of the House of Commons of Canada...

The proclamation provides as follows, *inter alia*:

... do hereby command and enjoin each of you, and all others in this behalf interested, on September 30, 2002 at two o'clock in the afternoon, at Our City of Ottawa, to appear in person for the DESPATCH OF BUSINESS...

• (1530)

Parliament was prorogued by the appropriate Privy Council instrument duly registered on September 16. The proclamation summoned Parliament for 2 p.m. on Monday, September 30.

As all honourable senators know, yesterday, another event took place in this chamber that has occurred previously during my time in the Senate. The Senate met at 10 a.m. yesterday. I have never been sure upon what authority that meeting takes place. I find it out of order that that meeting is recorded in *Hansard* and in the *Journals of the Senate*. We are recording something that occurred while Parliament was prorogued because the proclamation did not summon Parliament until two o'clock in the afternoon. There is a continuing effect of this disorder that affects the Order Paper of today.

Another thing occurred, honourable senators, after Her Excellency read the Speech from the Throne. When Her Excellency left and our Speaker took the Chair, business was conducted. Honourable senators, where was the mace? It could not be placed on the Table because we had no Table. If I recall correctly, the macebearer was standing in the far corner with the mace resting on the floor. As I looked, he was resting it on the floor. Honourable senators will recall that last year, in the other place, a very unseemly occurrence transpired involving the mace. There is a proper place for the mace. It has great symbolism and it speaks to our history and tradition.

That is another element, honourable senators, that I hope His Honour will take into consideration as he examines this point of order.

**Hon. Jack Austin:** Honourable senators, on the same point of order with regard to decorum in the chamber, I am curious and even concerned about the use of television cameras during the Speech from the Throne ceremony. I do not know what the arrangement is with the television broadcasters, but it should be that no individual senator be selected for broadcast portrayal. As I watched TVA last night, I saw that they singled out senators who yawned, closed their eyes for a moment or leaned on their hands. The overall message was: This is the kind of Senate you have. That is known in colloquial terms as a cheap shot — big time.

I would have imagined that the normal rules for the television broadcasting of proceedings that apply in the House of Commons would have applied here, that is, no individual shots except those of the person speaking and those naturally caught in the frame of the person speaking. I would ask the leadership to look into this breach of decorum.

**Hon. Laurier L. LaPierre:** Honourable senators, this may be the most informative and defining moment of my stay in the Senate. I am completely overwhelmed by the amount of time that will be spent on this matter today, tomorrow and maybe forever.

I stood up when the Chief Justice entered this room because she was entering the room in which I sit. She is, after all, the head of the third branch of our government as the head of the judiciary of our country. If not the third most important person in our country, she is, nevertheless, an important person in our country, and she was our guest in this chamber. I felt it necessary to stand along with almost everyone else in this room. I believe that some of the people in the galleries stood as well.

I find that there is an obsession with traditions that have existed since time immemorial. Life goes on, and we move on.

I see nothing wrong with applauding a statement that the children of our country will be looked after. That has become a definite statement of the policy of the nation. Further I do not find it objectionable to applaud the statement that by 2010 we will double our aid to countries in poverty, particularly Africa.

At the end of the speech, I followed the lead of some on the other side who applauded. We said goodbye in that way.

**Hon. Marcel Prud'homme:** As all honourable senators know, and some disagree with me, I am very attached to tradition. I will never apologize for that. I am willing to debate with those in Quebec and elsewhere who disagree with me and to explain what protocol is all about. As a member of the Queen's Privy Council, I am ready to defend this position in Quebec in particular.

Senator Austin very intelligently touched on one of the annoyances that took place. We all have our own opinion about the applause.

When the initial request was made to televise the proceedings of the other chamber, we were extremely reluctant to allow that unless everyone involved knew the rules. Many supported the notion of allowing the camera to focus on persons other than the person who had the floor. Our rules had to be very strict. In the United States the coverage, in my opinion, is horrible. It sometimes seems that there is only one person in the room, while, in fact, 400 people are not caught by the camera. They do that on purpose. That was not the intention of televising the proceedings of the other place.

• (1540)

Some honourable senators may remember that, when television cameras were allowed in this place for the first time, there was one honourable senator who could not stand the bright lights and, as a result, wore sunglasses. He was laughed at all over Quebec, which hurt the reputation of the Senate.

Another colleague of ours who was not well fell asleep. His image was captured by the television cameras. For days and months after, we saw that image which was interpreted by many to be, "Here is the Senate at work."

I hope that whoever is responsible for the rules in the future will come up with strict rules regarding images captured by television cameras. It is not we who are important. The television cameras should be on the guest of the Senate who, in yesterday's case, was the Governor General. The cameras should have remained on her and captured nothing else. There should not have been shots of senators, et cetera.

I wish to address the matter of the honourable member of the House of Commons who, to the annoyance of some, took a seat

in this chamber. I will explain the situation, and not because he is a friend of mine. While the member was standing, a senator said to him, "I will move to another seat, why not sit in my place?" Not knowing any better, the member sat down until, rightly so, the government whip, Senator Rompkey, went to the member and gently reminded him that he was not allowed to sit in the chamber. The member said, "I am sorry." He did not object but removed himself from the seat.

Let us not make a big deal out of small details. However, let us be strict on protocol. If we are to allow television cameras in this place, then we should have strict rules in place before, in the name of modernity, we decide to let the cameras roll in the way cameramen see fit. I hope that those in charge of the rules will ensure that they are clear so that everyone knows where he or she stands.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I did not intend to participate in this debate. I commend Senator Murray for bringing this matter to our attention.

First, I want to tell the Honourable Senator LaPierre that every statement that has been made by honourable senators in support of the proper decorum on the question of the role of the Crown, the Senate, the Commons, and the proper and due respect to the institution of the Senate and to the Commons, all relate to careful pieces of symbolism that have taken 300 to 400 years to piece together, including those in relation to the mace.

Second, I wish to respond to the honourable senator's comment that it was exuberance that caused some to rise when we should not have done so. I was one who, unconsciously, did rise. However, I immediately sat down because I recognized that I was doing a disservice to the Senate, its sovereign powers and the respect of the Senate as a separate institution. This goes to the question of checks and balances that we have been arguing about in this chamber for many months on a number of issues, including the clarity bill and others.

I again commend Senator Murray and other honourable senators who have exhaustively reviewed these questions. Hopefully, they will educate all honourable senators as to their appropriate role on these occasions.

**Hon. Anne C. Cools:** Honourable senators, I should like to join the debate, briefly. I believe Senator Murray has raised a valid point of order. I thank him for bringing it forward and should like to add my support to it.

On the occasion of the Speech from the Throne, I was most aware of the several items that were less sufficient than they should have been. For example, I was very aware of the applause not only of senators but even of guests in the galleries. I believe this lack of order is a symptom of a much larger malaise. I think that the malaise has to do with the declining knowledge and comprehension of our system of parliamentary government under a constitutional monarchy. Not only is this a declining knowledge, it is a decline that is being actively supported by powerful ministers and even by government itself in some places. The fact of the matter is that we are in a situation where many cabinet ministers no longer believe in the system. They have lent this decline their positive support, which I think is a terrible shame and one that should be corrected.



I am of the sincere belief that our system of governance represents the highest jewel of constitutionalism anywhere in the world. I am quite prepared to support it.

I should also like to say that one has to be magnanimous. It has turned out that calling justices "lords" has no historical origin in Canada. Apparently, it was only an affectation for over a century.

I was very aware that when senators rose for the justices they should not have risen. However, in a situation like that one is aware that one does not wish to embarrass Her Majesty's representative. In a case like that, one does not want to stand out as being the only one who is aware of proper behaviour.

As to Senator LaPierre's concerns, I beseech him to pay a little bit more attention to some of these important matters. Symbols are important. I think that if Senator LaPierre really wants to test the situation, he should pay a visit to the Supreme Court of Canada to see if all nine judges rise when he walks in.

**Senator LaPierre:** They certainly will not rise for you, madam.

**The Hon. the Speaker:** Order, please.

I would draw the attention of honourable senators to the clock. Time is passing. I want to hear senators who raise issues relevant to matters of order in this place, in particular those raised by Senator Murray. Elaborations on that are useful. However, debate elaborating on the point of order is not appropriate.

I would ask senators to continue in this first round of interventions. I know some honourable senators want a second round, and I did make an exception for Senator Kinsella in an exchange with Senator Austin, something about which I need not be reminded. My intention is to give every honourable senator who wishes to speak an opportunity to do so.

**Hon. Gerald J. Comeau:** Honourable senators, I will be brief. If His Honour were to determine that it was not in order to have the swearing in of a new senator while Parliament was prorogued and that it was a "non-activity," would His Honour consider advising Table Officers that the attendance that was taken not be considered as it is on every occasion we sit? I found it somewhat offensive that Parliament was not sitting but that our attendance was being taken for a non-activity.

• (1550)

**Senator LaPierre:** Honourable senators, I agree with Senator Austin's remarks about the control of television cameras. A photographer took a picture of an honourable senator who was said to be yawning. That picture was shown in newspapers across Canada. I do not think that is proper. Consequently, to carry on the tradition of the Senate, which was so artfully explained by Senator Grafstein and Senator Cools, I think we should remove the dais and the photographers from the chamber.

**The Hon. the Speaker:** I thank all honourable senators for their interventions on the point of order. I will take the matter under consideration and report back at the earliest possible time.

[Translation]

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech From the Throne at the Opening of the Session.

**Hon. Yves Morin,** seconded by the Honourable Elizabeth Hubley, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Honourable senators, I have the honour of moving the motion to adopt the Address in Reply to the Speech from the Throne given in this chamber two days ago by Her Excellency the Governor General. It was a truly remarkable speech, outlining a broad program of action by the government in response to the values and aspirations of Canadians, and setting the stage for a busy legislative agenda which we, as parliamentarians, must address in the months ahead.

[English]

Canada is universally acknowledged to be one of the best countries to live in. Does this statement apply to our Aboriginal communities? Does it apply to our underprivileged children? Does it apply to our needy populations?

[Translation]

We have a duty to ensure that this exceptional quality of life we enjoy is transmitted unchanged to our children, our grandchildren, and in the case of my honourable friend, Senator Setlakwe, to our great-grandchildren, by ensuring that we consolidate urban infrastructures, bolster our innovation and research system, clean up our environment and bolster our health system.

To start with the First Nations, we are aware of the Prime Minister's interest in and concern about their living conditions and socio-economic situation, as well as their very poor health, as illustrated by the tragedy of fetal alcohol syndrome in particular, which unfortunately is far more prevalent in our aboriginal communities. The measures recommended by the Speech from the Throne will, I trust, make it possible to reach solutions to this tragic problem.

*English]*

Children are living in poverty in a country where so many people live so well. It is absurd that 60 per cent of the children of single mothers live in poverty, especially in a country that has been at the forefront of scientific studies on the link between early childhood care and later adult health status. Measures recommended in the Speech from the Throne will ensure a good start in life for all.

Concerning urban infrastructure, the Prime Minister recently said that over the last few decades, our cities have prospered and grown to become the places where a majority of Canadians live, work and play and that they have responded well to many of the challenges of rapid growth. He said that strengthened partnerships will be required to ensure that we sustain and enhance the quality of life in our large urban areas.

The Speech from the Throne confirms that there will be significant action within our federal jurisdiction to build urban infrastructure so that our Canadian cities become magnets for talent and investment.

On the subject of science and innovation, Canada, like many other countries, has embraced the knowledge-driven economy as a source of the creation of future wealth that will sustain and enhance our quality of life and our standard of living. This knowledge-driven economy is based on the creation, the discovery and the development of new ideas and their successful commercialization.

In the past, the Canadian government has enthusiastically endorsed such a science and innovation agenda. I am personally proud to have been instrumental, with others, in the creation of the Canadian Institutes of Health Research, an organization that has become world renowned under the able leadership of Dr. Alan Bernstein. Measures recommended in the Speech from the Throne will improve our science and innovation performance and will promote skills and learning development.

With regard to the Kyoto Accord, on September 2, in Johannesburg, South Africa, the Prime Minister courageously announced that he would ask Parliament to ratify the Kyoto Accord during the current session.

Honourable senators, climate warming has been recognized as one of the most serious problems facing the world. We must ensure that we decrease greenhouse emissions, if only for the health of our grandchildren, in a way that will correct climate change.

The Government of Canada is developing a program to ensure that the burden and the various opportunities are shared throughout the regions and various sectors of Canada. The government must be commended for this bold and courageous decision.

*[Translation]*

As far as health is concerned, this year marks the 40th anniversary of health insurance in Saskatchewan. Over the years, health insurance has developed into an important aspect of our national identity.

• (1600)

However, more recently, this pride has been mixed with a degree of apprehension, because of what is perceived as the erosion and deterioration of our health care system. The Senate reacted swiftly and effectively to this situation by asking its Committee on Social Affairs, Science and Technology to examine the issue.

The Prime Minister also set up a second commission, led by the Honourable Roy Romanow. Once these two reports are released, the Prime Minister will convene a first ministers' meeting and he will take appropriate action, as was mentioned two days ago in the Speech from the Throne, to ensure that Canada's health system is strengthened.

*[English]*

On the subject of health, I am sure that my friends and colleagues from The Standing Senate Committee on Social Affairs, Science and Technology were as pleased as I was to hear of the new initiatives in the important area of health promotion and health protection. Another plan that our leader, the Honourable Senator Sharon Carstairs, has been promoting for a long time will allow Canadians to take compassionate leave to care for their terminally ill family members. The government must be commended for this initiative.

Taken individually, the remarkable initiatives from the Speech from the Throne are all significant steps that will sustain and enhance our quality of life and will also assure our wealth and prosperity in the brave new world of the 21st century. Taken together, they are nothing less than a remarkable and courageous program of strategic investment in the future of our children, in the future of our environment, in the future of our economy, and in the future of Canada.

Honourable senators, it is for this reason that I am proud to have moved acceptance of the Government of Canada's agenda as set out in the Speech from the Throne less than 48 hours ago.

**Hon. Elizabeth Hubley:** Honourable senators, it is a great privilege for me to speak in support of the timely motion of our colleague, the Honourable Yves Morin, and to endorse and applaud Her Excellency the Governor General's Speech from the Throne, outlining the direction and actions of government over the coming year.

In a short time, Her Majesty Queen Elizabeth II will honour us with her presence, in this the jubilee year of her coronation. We await her visit with excitement and pride, recognizing as we do that she is a remarkable person and that the British parliamentary system, which she so graciously symbolizes, is with us each day in this venerable institution.

I was appointed to this chamber just a year and a half ago, and it has been a most rewarding time for me personally. The people of Prince Edward Island are good and loyal Canadians, and it has been a great honour to represent them here in the Senate, an institution that I believe is presently undergoing a transformation in the eyes of the public. There is a growing realization that serious and vitally important work is done in this chamber and in the many committees that serve it.



There is also, I believe, an evolving consensus among the media that the Senate is a unique form of debate and that its members contribute significantly to the formulation of legislation and public policy.

I wish to extend my gratitude to the Speaker, the Speaker *pro tempore*, the clerk and the other table officers for their patience and kind assistance over the past year. It is wonderful to be back for another session with them and with all our esteemed colleagues.

Honourable senators, Canadians continue to enjoy relative prosperity, social peace and stability and one of the highest standards of living in the world. We have our problems, challenges and disagreements, but we are truly a blessed nation. The greatest strength we have is our people.

Three distinguished citizens of my province recently were presented with the P.E.I. Medal of Merit by His Honour Lieutenant Governor Leonce Bernard. I should like to extend my congratulations to Mrs. Anna Duffy, Mr. Alan Graham and Mr. Elmer Williams for their lifelong commitment to community life in Prince Edward Island.

Canada is unique among all nations of the world. The Prime Minister, in the special House of Commons debate following the horrific events of September 11, summarized our national character this way:

Canada is a free nation, a just nation, a nation of laws. It is also a land of immigrants. A place where people from almost every nation and faith on earth have come to find freedom, respect, harmony, and a brighter future...

We are also respected and listened to on the international stage.

Honourable senators, Canadian men and women have fought bravely, with supreme sacrifice, in two world wars and in other conflicts. When the freedom and security of our own people or that of our neighbours is threatened, we do not flinch from duty or responsibility.

We have honoured our NATO commitments. The tragic, accidental bombing deaths in Afghanistan a few short months ago remind us of the cost of such commitments, of such duty and responsibility.

Canada, however, always has preferred diplomacy and peacemaking to war. Moreover, our foreign policy is firmly rooted in multilateral cooperation, and our record speaks for itself.

We helped give birth to the United Nations, of course, and we have faithfully and enthusiastically participated in its work since then. Canadians have answered the call as peacekeepers in many parts of the world, and we have earned a place around the international table as a compassionate and respectful country, committed to democratic freedom and justice, a country that does not seek to dominate or control, but one that is always ready to extend a hand of peace and friendship.

Honourable senators, this is our tradition, our reputation and identity, our very character as a nation in the world. It is in the tradition and character of Lester B. Pearson. It is the tradition and character of Pierre Elliott Trudeau, of Lloyd Axworthy, of General Romeo Dallaire, and of the thousands of men and

women in uniform who have served our country so well in peacekeeping and peacemaking roles.

Honourable senators, our Prime Minister also embodies that national tradition and character. In a recent CBC interview marking the first anniversary of the horrific terrorist attacks in the United States, Prime Minister Chrétien, I believe, spoke for the majority of Canadians when he called upon the richer, more powerful nations to narrow the miserable gulf of economic disparity and poverty that exists in the world. He cautioned the West against exercising power to the point of "humiliation for others," and he suggested that being looked upon as "arrogant, self-satisfying, greedy and with no limits" necessarily must have its consequences.

• (1610)

A few editorialists and pundits, along with the Leader of the Official Opposition, misconstrued completely what the Prime Minister was saying. They thought he was somehow blaming the United States for the September 11 terrorist attacks when, instead, he was courageously reminding us all of an undeniable truth, reminding us of our greater responsibilities as citizens of the international community.

I can tell you that in my own province of Prince Edward Island, honourable senators, the Prime Minister's remarks were greeted as a breath of fresh air, a moment of candour and insight from a political leader who has been committed throughout his entire public life to social and economic justice for the poor and disadvantaged. That commitment was abundantly clear in the Speech from the Throne, which promises increased financial assistance and support to Canadian children and families. This is the same Prime Minister who has spearheaded initiatives at the United Nations and as a G8 leader to help the people of Africa and other poor and undeveloped countries through more generous debt relief, increased foreign investment and international trade, and financial and technical assistance.

Our Prime Minister understands a fundamental and cruel truth, honourable senators: that poverty and oppression spawn hopelessness and that out of hopelessness must surely come alienation and resentment. Some would argue that the war against terrorism has nothing to do with this gulf between the rich and the poor, that al-Qaeda terrorists are religious fanatics whose hatred of the predominantly Christian West can be traced all the way back to the Crusades. Others would even characterize this new war as a clash of civilizations.

There may be some perverse credence to these arguments, but it has also been demonstrated throughout history, as empires rise and fall and as nation-states contend and compete with one another, that poverty and oppression are powerful forces for change and social and political upheaval. Quite often the pressure between the two worlds, the one of wealth and economic opportunity and the one of poverty and despair, simply becomes too great. As with tectonic plates pushed inexorably against each other, an earthquake of some magnitude is almost certain to occur.

Honourable senators, I believe we should reflect deeply on the Prime Minister's warning and do everything in our power to bridge this widening gulf in the world between those who have food, shelter, security and opportunity for the future and those who do not.



Canada has very few enemies in the world. Canada is a good neighbour not only to the great American nation to the south but to all peoples and all nations. This must continue to be our international mission, honourable senators, pursued through aovereign and independent foreign policy.

In the days ahead, our government will undoubtedly be faced with a most difficult decision regarding Iraq and whether to participate in military action aimed at curtailing the alleged continued development of weapons of mass destruction there. Iraq is in chronic violation of numerous UN resolutions with respect to weapons inspection and disarmament. We are right, I believe, to insist on the unfettered resumption of this process.

The American administration suspects that a link exists between Iraq and the tragic events of September 11. However, the evidence to date is tenuous and unconvincing. Whatever action is taken against Iraq, I believe that it must be taken within the framework of international law. I hope we give diplomacy a chance. I hope we do not act preemptively and outside of world opinion. I hope most of all that we take into account the deplorable conditions in that country and the extent to which the Iraqi people have already suffered as a result of both Saddam Hussein's dictatorship and the economic sanctions applied by the UN following the invasion of Kuwait.

When Assistant Secretary-General of the UN Denis Halliday resigned in 1998 as coordinator of humanitarian relief for Iraq, he was uncompromising in his assessment of these sanctions. He said:

I am resigning because the policy of economic sanctions is totally bankrupt. We are in the process of destroying an entire society. It is as simple and terrifying as that. I have been instructed to implement a policy that satisfies the definition of genocide, a deliberate policy that has effectively killed well over a million people.

Honourable senators, the world can be a dangerous and imperfect place, and there are evildoers, as President Bush has suggested, who would gladly threaten our freedom and security if they possess the means to do so. We have learned that terrible lesson. However, in our effort to protect ourselves, in our campaign for justice and retribution, in our war against terrorism, let us not forget this nation's values, its commitment to peace and its distinctive history and place within the international community.

On motion of Senator Lynch-Staunton, debate adjourned.

## COMMITTEE OF SELECTION

### MOTION FOR APPOINTMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C.:

That, pursuant to rule 85(1), the Honourable Senators Bacon, De Bané, Fairbairn, Kinsella, Kolber, LeBreton, Rompkey, Stratton and Tkachuk be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore* and (b) the Senators to serve on the several

select committees during the present Session; and to report with all convenient speed the names of the Senators so nominated.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I should like to raise a point of order related to the fact that I moved the adjournment of the debate on this matter, but I do not see this item standing in my name on the *Order Paper and Notice Paper*. I think it should stand in my name because this is a matter that concerns a committee of the Senate, and committees of the Senate are not matters of government business but, rather, a matter of the whole chamber. We are prepared to deal with it not under "Government Business" but rather under "Other Business." I say that because on the first day following the Speech from the Throne, His Honour was back in the Chair when two proceedings unfolded. The first was His Honour ensuring that we had the right copy of the Speech from the Throne, which we dispensed with having read again; the second proceeding was the pro forma railways bill. That is an ancient right, which secures the authority of the house as distinct from the rights of the Crown. After that, a motion is typically made to establish the Committee of Selection. Discussions typically take place and have taken place between the two sides around committee membership, et cetera.

I submit that any senator could have risen and made the motion for the establishment of the Selection Committee. Simply because the Deputy Leader of the Government made the motion does not ipso facto mean it is government business. Senator Robichaud, for example, may move a motion or bring in a private bill of interest to him. That does not become a government motion.

Rule 26(1) is clear as to what constitutes government business:

- (a) Orders of the Day for third reading of government bills;
- (b) Orders of the Day for consideration of reports from committees in relation to government bills;
- (c) Orders of the Day for second reading of government bills...

Typically, this rule relates to government bills, including government bills that have been considered by committees because that is government business. We have no quarrel with that. We just do not think that rule 26(1)(d), "Orders of the Day for the consideration of other government business," is that kind of government motion.

• (1620)

I see some senators on the other side nodding in agreement. It is more a consequence or continuing effect of the lack of explicit clarity in the proceedings that flow from the first day, because on the first day we do not have an Order Paper that lays out what is government business and what is not government business. However, there is a tradition.

Honourable senators, I should like to deal with this matter but not as a matter under "Government Business." Perhaps other honourable senators have a view on this subject.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I thank Senator Kinsella for pointing out

that the motion dealing with the appointment of a committee of selection does not necessarily have to be presented under "Government Business." Even if it is the deputy leader who moves the motion, the appointment of that committee remains the business of the Senate as a whole and not government business, as is the case for a motion or a bill.

I agree that this motion should come under "Other Business," particularly since we have absolutely nothing else on the Order Paper. We have no objection to including this motion under that heading.

[English]

**Senator Kinsella:** I would thank the Honourable Deputy Leader of the Government for that clarification and for his concurrence. With that understanding, honourable senators, I am prepared to proceed.

In the past, honourable senators, there was a long tradition of discussions being undertaken through the usual channels to reach agreement on the principles that will inform the work of the Committee of Selection. Since those discussions have, as far as I know, yet to be fully concretised, I should like to move the adjournment of the debate and speak to this matter tomorrow.

**The Hon. the Speaker:** It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that further debate be adjourned until the next sitting of the Senate.

To ensure that we are all aware of the rules, Senator Kinsella moved a motion to adjourn, which is a non-debatable motion. I do not want to interfere with this exchange between the two deputy leaders, but I think that before I allow Senator Robichaud to speak, I should ask for agreement from honourable senators that he do so and, in effect, that we go back to the moment before Senator Kinsella moved his motion to adjourn the debate.

I looked to Senator Kinsella because I read his motion and I recognized that he would be the one most likely to object. If he does not and no other honourable senator does, I would then turn to Senator Robichaud. I would remind Senator Kinsella that I will call on him after Senator Robichaud has put his motion.

**Senator Kinsella:** I would thank His Honour for that. I agree with the suggestion of the Chair and yield the floor to Senator Robichaud.

[Translation]

**Senator Robichaud:** Honourable senators, an adjournment motion cannot be debated on a motion such as the one the Honourable Senator Kinsella just moved. However, the *Rules of the Senate* provide that within the first five sitting days of each session, the committee that is appointed shall present a report in respect of its nomination of a senator to preside as Speaker *pro tempore*. This is the third day, and Senator Kinsella told us that he will address the issue tomorrow. I simply want to ensure that we will meet the timeframes set out in the *Rules of the Senate*. If this is allowed, perhaps we could get some clarification; otherwise, we will vote on the adjournment motion.

[English]

**Senator Kinsella:** Honourable senators, this place works when both sides reach the kind of accommodations that traditionally they have reached through discussions. I would hope that the two sides will come to a common understanding, and I would assure my honourable colleague that I will rise in this place tomorrow and speak to the motion.

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.



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# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Thursday, October 3, 2002

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THE HONOURABLE DAN HAYS  
SPEAKER





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## THE SENATE

Thursday, October 3, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

[Translation]

Prayers.

### SENATORS' STATEMENTS

#### WOMEN'S HISTORY MONTH

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the month of October has been recognized as Women's History Month. This year's theme is "Women and Sports — Champions Forever."

We are very proud of the remarkable performance of our women athletes at the most recent Winter Olympics and Paralympic Games. Their success has given to young athletes everywhere the encouragement that their goals can be achieved.

This year's focus of women in sports is meritorious because, as we know, when women are active in sports, it benefits almost every aspect of their lives. Studies have shown that girls who are active in sports are 90 per cent less likely to use drugs and 80 per cent less likely to have an unwanted pregnancy. Sports are clearly a deterrent to social ills. They provide benefits not just to women's health but also immeasurable benefits to their future.

Despite historical culture disapproval, women have still managed to build women's sports associations for themselves and to become exceptional athletes. The most undefeated basketball team in history is the Edmonton Commercial Graduate Basketball Team, which had 502 wins and only 20 losses over a 25-year period when it disbanded in 1940.

Marilyn Bell is still remembered by many of us for swimming across Lake Ontario at the age of 16 and for being the youngest person to cross the English Channel.

Chantal Petitclerc became a wheelchair athlete at the age of 18 and has since won gold and silver medals in the 2000 Paralympic Games, as well as a gold medal in the 2002 Commonwealth games.

Honourable senators, I am proud to say that, in my capacity as Minister with Special Responsibility for Palliative Care, I have had the privilege of working with Abby Hoffman, who had to pretend she was a boy to play on a hockey team because in 1956 there was not a girl's hockey team for her to join. When her team made the finals and it was discovered that Abby was really a girl, the story made international headlines. She went on to become an Olympic athlete in track and field. She also became the first woman to be elected to the Canadian Olympic Association and the first woman Director General of Sport Canada.

Women's History Month is an ideal time to reflect on these dreams of Canadian women — dreams that they turned into reality. It is also a good time to remind ourselves that active, athletic women benefit not only themselves but all of us and future generations of Canadian children.

### ILLEGAL DRUGS

#### CONGRATULATIONS TO THE HONOURABLE PIERRE CLAUDE NOLIN ON CHAIRMANSHIP OF SPECIAL COMMITTEE

**Hon. Marcel Prud'homme:** Honourable senators, we have some guests from Italy with us today, the family of Giovanni Ianiro and they will now have an opportunity to see how Senator Marcel Prud'homme, friend of Giulio Andreotti, participates in the debates of the Senate.

Yesterday, I was interrupted after 2 minutes and 32 seconds. I now have time to finish what I wanted to say yesterday. The final paragraph of my speech should please my Liberal colleagues. When I was interrupted by the Speaker of the Senate, a man whom I greatly respect, I was in the process of saying what follows.

In this context, must we decriminalize cannabis, or merely regulate it? This is the debate Senator Nolin is inviting us to take part in over the next few months. In my opinion, as citizens, parents or responsible parliamentarians, we will need to give very careful attention to the committee's proposals.

In closing, I want to point out, as the Leader of the Government in the Senate, Senator Carstairs, did with great diligence, intelligence, wisdom and sensitivity when she presented her committee's report on palliative care, that Senator Nolin once again demonstrated that the Senate is very well equipped to undertake studies on highly controversial issues.

### THE HONOURABLE JEAN-ROBERT GAUTHIER

#### CONGRATULATIONS ON RECEIVING THE ORDER OF THE LEGION OF HONOUR

**Hon. Marie-P. Poulin:** Honourable senators, on behalf of Francophone Ontario and in my capacity as president of la Fédération Canada-France, I wish to congratulate Senator Jean-Robert Gauthier, just as the Leader of the Opposition did yesterday.

We are well aware of the determination, dedication, and generosity our colleague has devoted to ensuring that the French language and culture continue to flourish on the provincial and national scene. In Ottawa, he took up the cause of Montfort Hospital, and he is an active member of the Association canadienne-française de l'Ontario. He is also active in the Association des parlementaires francophones, to defend the status of official bilingualism in Canada and throughout the world.

Congratulations to the new member of the Order of the Legion of Honour.

• (1410)

## THE SENATE

### EFFECT OF RAPID SPEECH ON QUALITY OF INTERPRETATION AND COMPUTER ASSISTED REALTIME TRANSLATION

**Hon. Jean-Robert Gauthier:** Honourable senators, yesterday, during the sitting of the Senate, the interpretation and computer assisted realtime translation system broke down. When certain senators took the floor, the message "too fast, impossible to interpret" appeared on the screen on which I follow the debates. The Speaker supports my request in this regard. We will have to speak more slowly. As you know, I have been a hard-of-hearing person for three years now, and I must rely on the cathode ray screen that is in front of me to know what is going on. For at least half an hour yesterday, I could not follow what was going on in this chamber. As you can imagine, this is a problem because I am a senator who wants to and who can participate in the discussions. However, I must read what I cannot hear, and it is impossible for the interpreters to follow, and for the computer assisted realtime translators to put the proceedings in writing, if senators speak too fast. Yesterday, this happened on several occasions.

There is also the issue of the language spoken. Spoken English is easier to follow than French. How many times have French-speaking senators in this chamber been told: "You speak too fast, I can't follow you"? It is true that we speak fast, but it is also true that in French the last syllable is not always stressed and often runs into the following one. In English, each syllable is clearly sounded and the end of the word does not trail off.

Therefore, I am asking honourable senators to please slow down when they speak in the chamber, so that our interpretation and computer assisted realtime translation services can deal with what is being said, and so that I can follow the debate and understand what is going on. It is no more complicated than that.

[English]

**Hon. Senators:** Hear, hear!

**Senator Gauthier:** Time constraints sometimes make us nervous when we are speaking. Often, there is much to be said but not enough time in which to say it. I think it would be appropriate for His Honour to signal a speaker to slow down. It should be at the discretion of His Honour to indicate when the delivery of a speech is not in keeping with a normal conversation, which is about 150 words per minute. Over several years I have heard some senators who speak as quickly as 250 words per minute. I offer these comments in a constructive spirit.

## THE HONOURABLE GÉRALD-A. BEAUDOIN, O.C., Q.C.

### CONGRATULATIONS ON RECOGNITION BY INTERNATIONAL COMMISSION OF JURISTS

**Hon. George Baker:** Honourable senators, I rise to speak to the honour bestowed upon one of our distinguished senators last

August by the Canadian Bar Association during their convention in London, Ontario.

The honourable senator was presented a medal by Justice Ian Binnie of the Supreme Court of Canada on behalf of the International Commission of Jurists, which is comprised of judges and lawyers from 20 nations. I am sure that all honourable senators who followed the statements would agree with the comments made by Justice Binnie and agree that he is not prone to exaggeration or overstatement. About an honourable senator, Justice Binnie said:

You, sir, have been in the forefront of virtually every positive development in Constitutional Law and Human Rights in Canada over the last half century.

Honourable senators, that comment was greeted with prolonged and admiring applause from the judges and from the lawyers who were present on the occasion. I am confident that I speak on behalf of all honourable senators in extending hearty congratulations to Senator Gérald Beaudoin for his wonderful work.

**Hon. Senators:** Hear, hear!

**Senator Baker:** Honourable senators, when Justice Binnie made his presentation to the international judges and lawyers who were present, he pointed out that a book had just been published. The book, in honour of Senator Beaudoin, is entitled *Les mélanges Gérald-A. Beaudoin: les défis du constitutionnalisme*. The English subtitle is "Essays in honour of Gérald-A. Beaudoin: the challenges of constitutionalism." The book was received last week at the Library of Parliament. Again, I convey my congratulations to Senator Beaudoin.

[Translation]

## ROUTINE PROCEEDINGS

### OFFICIAL LANGUAGES

#### 2001-02 ANNUAL REPORT OF COMMISSIONER TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the 2001-02 annual report of the Office of the Commissioner of Official Languages, pursuant to section 66 of the Official Languages Act.

[English]

### PUBLIC SERVICE WHISTLE-BLOWING BILL

#### FIRST READING

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** presented Bill S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistle-blowers.

[ Senator Poulin ]



**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading on Wednesday next.

## THE SENATE

### NOTICE OF MOTION TO RECEIVE LIEUTENANT-COLONEL PAT STOGRAN, ARMED FORCES, IN COMMITTEE OF THE WHOLE

**Hon. Colin Kenny:** Honourable Senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

[Translation]

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### STUDY OF NATIONAL CARE SYSTEM— NOTICE OF MOTION

**Hon. Yves Morin:** Honourable senators, I give notice on behalf of the Honourable Senator Michael Kirby, that at the next sitting of the Senate, he will move:

That the Standing Senate Committee on Social Affairs, Science and Technology, be authorized to examine and report upon the state of the health care system in Canada. In particular, the Committee shall be authorized to examine:

- (a) The fundamental principles on which Canada's publicly funded health care system is based;
- (b) The historical development of Canada's health care system;
- (c) Health care systems in foreign jurisdictions;
- (d) The pressures on and constraints of Canada's health care system; and
- (e) The role of the federal government in Canada's health care system;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the 36th Parliament and the First Session of the 37th Parliament be referred to the Committee;

That the Committee submit its final report no later than October 31, 2002;

That the committee retain the powers necessary to publicize its findings for distribution of the study contained in its final report for 60 days after the tabling of that report; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

• (1420)

[English]

**The Hon. the Speaker:** Honourable senators, I draw to your attention that at this stage in the Second Session of the 37th Parliament, the Senate does not yet have committees to which to refer matters. Accordingly, such a notice of motion could not be dealt with until such time as the Senate has committees underway, and the motion will have to stand on the Order Paper. If there is some objection, notice will have to be given again.

## QUESTION PERIOD

### PRIME MINISTER'S OFFICE

#### BRIEFING OF OPPOSITION ON ETHICS PACKAGE—CREATION OF INDEPENDENT ETHICS COUNSELLOR

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. The news media today have indicated that members of the Liberal caucus received a privileged briefing on the working draft of the new ethics rules for parliamentarians and cabinet ministers and were given an opportunity to comment.

Could the Leader of the Government advise the Senate as to whether the government plans to provide a similar briefing to the opposition parties, or will the honourable senators continue to learn the details of the proposed ethics package through media reports about the government's problems with its backbenchers?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the ethics package is still in raw form at this point in time, other than, of course, the most important document, the one the honourable senator co-authored and is referred to as "the Oliver-Milliken report." The so-called briefing was a search for ideas from members of the caucus as to what the members would like to see in such a package, should one be presented some time in the future.

**Senator Carney:** They did not like what they saw.

**Senator Oliver:** According to a report on that caucus meeting in Thursday's *Toronto Star*:

... a number of Liberals believe the proposal is inadequate. Instead of a new federal official supervising MPs, they want the government to revert to an earlier campaign promise that calls for creation of an ethics tsar who would function independent of the Prime Minister's office.

Why will the government not create an independent ethics counsellor as promised in the original Red Book?

**Senator Carstairs:** That topic was discussed, and I can assure the honourable senator that no decision has been taken at this point.

**Hon. Pat Carney:** Honourable senators, I know the honourable senator would not want to mislead the chamber by her answer when she said that the material presented to the other place was not, in fact, the proposed ethics package but was a search for ideas. In order to get a search for ideas, some material must have been presented to the other place. I am asking, would the honourable senator be more specific about the nature of the material we all read about in the media and whether that material will be made available to the honourable senators for the honourable senators' ideas.

**Senator Carstairs:** With the greatest respect, honourable senator, this was a caucus meeting made up of members of both the Senate and the House of Commons who are members of the Liberal Party. It was, as I indicated, a search for ideas. There was no documentation presented in hard copy, to my knowledge. I was not there.

## NATIONAL DEFENCE

### REPLACEMENT OF SEA KING HELICOPTERS— FUNDS FOR PURCHASE OF NEW CHALLENGERS FOR GOVERNMENT FLEET

**Hon. J. Michael Forrestall:** Honourable senators, I wish to return to a question that honourable senators were discussing yesterday and direct further questions to the Leader of the Government in the Senate. It had to do with the purchase of the Challenger aircraft.

On the day that the announcement of the purchase was made, I have information that a number of general officers entered the office of the Minister of National Defence?

Whether or not it was on the day the announcement was made, evidently several officers of general rank visited the minister, offered their resignations and demanded the return of the \$100 million-plus to the already overstressed military budget. Is that the reason the government found \$100 million extra to replace the money they had taken? If so, where did that money come from, and under what authority?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I simply cannot answer the honourable senator's question. I have absolutely no knowledge of anyone of any rank appearing before the Minister of National Defence. I certainly do not know of their demands or their requests to that effect, or if, in fact, such a meeting ever took place.

### POSSIBLE WAR WITH IRAQ—CURRENT TRAINING PROGRAM OF THE SECOND BATTALION, ROYAL CANADIAN REGIMENT

**Hon. J. Michael Forrestall:** Honourable senators, I accept that. Like everything else I have, it is just hearsay and anecdotal and rumour. I wonder if the minister would confirm for me whether that happened and report at the minister's convenience.

My question today relates to the announcement made by the Minister of National Defence that Canada could, indeed, raise an Apollo-sized military contribution in the event of a war with Iraq.

Could the minister explain why it is that the Second Battalion, Royal Canadian Regiment, based in Gagetown, New Brunswick, is presently conducting extraordinary training, including live fire exercises and night operations? Why does it have such a huge ammunition outfit that the Atlantic area may not be able to fulfil that particular need? Has 2 RCR cancelled all leave, including maternity and paternity leave? Is 2 RCR preparing for deployment to Iraq if called upon?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, in reply to the first question, I must say, honourable senator, with the few details I have been given, I would not go on a witch hunt for who may or may not have appeared before the Minister of National Defence for a meeting. That is entirely inappropriate.

As to the honourable senator's statements with respect to potential for war, I think all of us in this chamber hope that there will be no war, that everyone hopes that the United Nations will be able to get their inspection teams into Iraq, and those inspection teams will be allowed free access to any form of weapons of mass destruction which Saddam Hussein might have. In all cases, the Canadian government has established its role as being fully supportive of the United Nations.

• (1430)

### AFGHANISTAN—PRESENT LOCATION OF HEAVY MILITARY EQUIPMENT

**Hon. J. Michael Forrestall:** Honourable senators, I have a final supplementary question on a related area, dealing with the training of forces for any eventuality with respect to Iraq.

Can the Leader of the Government tell the chamber the whereabouts of our heavy military equipment already in Afghanistan? Is this equipment back in Canada now, or is it in the area of the Persian Gulf, the Arabian Sea or a Pakistani port?



**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, there are two ships in the Arabian Sea at the moment. They are to be joined by two others. As for other military equipment, I do not know whether it is in Afghanistan or whether it has been returned to Canada, but I will seek that information on his behalf.

## HEALTH

### SPEECH FROM THE THRONE—POSSIBLE INCREASE IN TAXES TO PAY FOR SERVICES

**Hon. Terry Stratton:** Honourable senators, the day after the Speech from the Throne, Prime Minister Chrétien started backtracking on the promise not to raise taxes. I quote him as saying, "It has been said before and we on this side of the House agree that, like it or not, taxes are the price one pays to live in a civilized society." The editorial in today's *National Post* goes on to say that "two senior government officials have confirmed that a tax increase may be imminent."

The interesting part about this whole affair is that Mr. Manley, the Minister of Finance, refused yesterday to rule out tax increases to fund the government's Throne Speech promises.

Does the minister care to respond to Mr. Manley's comments?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, what I can say at this juncture is we do not expect a budget until well into the next year. Obviously there will be no new tax increases prior to that time. The Minister of Finance has been quite clear with respect to the commitments in the Speech from the Throne. He has indicated that departments must look within their own resources to fund those initiatives.

The area in question is the one I addressed yesterday, which is the issue of two reports that will be released, one by the Senate of Canada, sooner rather than later, and one by the Honourable Roy Romanow. I think most of us who have been following the work of the Senate committee and the royal commission have seen that health care costs may increase dramatically in this country if we are to continue our tradition of having the best public health care system in the world. When the reports are released, a determination will have to be made as to whether health care will be funded from present revenues or whether additional revenues will be needed. However, there is a long time between now and the point when those decisions will be made.

**Senator Stratton:** Can the minister reassure us again that every effort will be made within each department throughout government to cut spending to possibly avoid increases in taxes?

**Senator Carstairs:** Honourable senators, this is really an amazing question coming from the other side. This question comes from a group of individuals whose government left the people of Canada with more debt and larger deficits than ever before in the history of this country. This question is being asked of a government that has operated a deficit-free government year after year. Clearly, we have shown by example that we pay our own way.

**Senator Stratton:** Honourable senators, if I may, this is 2002. The honourable Leader of the Government refers to another time. The role of the opposition is to ask legitimate questions. I should like an answer to my question.

**Senator Carstairs:** Honourable senators, with the greatest respect, I answered the question, and the honourable senator just did not like the answer.

### SPEECH FROM THE THRONE—RECOGNITION OF WORK OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE

**Hon. Lowell Murray:** Honourable senators, the reference to health care reminds me that in the Speech from the Throne there was a direct reference to the coming report of the Romanow commission but no reference at all to the work of the Senate committee ably headed by Senator Kirby. What significance are we to read into this?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not think we are to read anything into it because I have been with the Honourable Minister of Health, Anne MacLellan, on three occasions this summer when she gave rave reviews to the work being done by the Senate committee. I know that her staff is waiting with some anticipation for the review of the Kirby committee, or the group that will be in place when our committees are formed.

## TRANSPORT

### MARINE ATLANTIC INCORPORATED—REPRESENTATION OF NEWFOUNDLAND AND LABRADOR ON BOARD OF DIRECTORS

**Hon. Ethel Cochrane:** Honourable senators, my question is to the Leader of the Government in the Senate on an issue of current relevance in my province. On its official Web site, Marine Atlantic is described as a "Canadian Federal Crown corporation that operates ferries across the Cabot Strait between the island of Newfoundland and mainland Canada, according to contracts in place with Transport Canada." Despite its mandate of service to Newfoundland and Labrador, not one person from that province has been appointed to its board of directors since 1999.

Recently, the Transport Minister David Collenette appointed four new directors: three from Nova Scotia and one from New Brunswick. This is particularly baffling when one considers that Marine Atlantic does not even operate in New Brunswick.

In today's edition of the *St. John's Evening Telegram*, the President of Hospitality Newfoundland and Labrador called the appointments "an absolute slap in the face" for our province. The province has only three representatives on the board of directors, one of whom will see his term end in December.



Given that the ferry service is the province's lifeline and is constitutionally guaranteed, can the Leader of the Government in the Senate tell us if there are any plans to increase the province's representation on the board now?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I can certainly understand why the honourable senator would be concerned about the fact that Newfoundland has only three representatives on the board. However, she has indicated one of those will retire. I will take strong representations to cabinet that when that person retires, they should look very carefully to replace the individual with a citizen of the province of Newfoundland and Labrador.

**Senator Cochrane:** The decisions of Marine Atlantic's board of directors have a tremendous impact on the economy of my province, particularly because it is an island, and in light of the problems we are having with Air Canada in regard to transportation. Come January, they will be pulling out of Stephenville altogether, leaving no connection between the west coast of the island and Halifax, Nova Scotia.

In 1999, the provincial government released a report called "On Deck and Below: A Report on the Gulf Ferry Forum," in which it recommended that a majority of Marine Atlantic directors come from the province. I will read to you the direct quote from the report.

Restructure the Board of Directors to reflect the five regions of Newfoundland and Labrador (Avalon, Eastern, Central, Western and Labrador), and ensure the Avalon and Western appointees are from the Placentia and Port aux Basques areas respectively. The Board should also include individuals who have breadth and depth of expertise and experience in shipping, trucking and tourism.

• (1440)

My question is for the Leader of the Government. I know she will look into this matter, but I need assurances that the interests of the people of my province are being adequately served when barely one-third of Marine Atlantic's board consists of representatives from Newfoundland and Labrador. Can the minister verify that those making the decisions have direct knowledge and understanding of the service's critical impact on the island?

**Senator Carstairs:** I thank the honourable senator for her question. I must tell her that I spent some time in Newfoundland and Labrador this summer. It really does become an issue when one visits there because one quickly realizes the importance of the ferries to the senator's beloved province. I can only assure her that I will bring her representations before the Senate today to the attention of the Minister of Transport.

[ Senator Cochrane ]

[Translation]

## NEWFOUNDLAND AND LABRADOR

### ROYAL COMMISSION ON RENEWING AND STRENGTHENING OUR PLACE IN CANADA

**Hon. Pierre Claude Nolin:** Honourable senators, before asking my question on Newfoundland, I would have preferred having more information on the commission that the Government of Canada is planning to set up to analyse, 50 years later, this province's place in the Canadian federation.

Since the subject of the previous question was Newfoundland, I would like to know, first, if the Leader of the Government in the Senate is familiar with the setting up of this commission. Second, does her government intend to participate, as a witness at the very least, if not as an observer, in this commission that is currently underway in the province of Newfoundland and Labrador?

Third, what is the government's strategy when it comes to reassuring the residents of Newfoundland in response to their question in maintaining their place in the Canadian federation? I hasten to remind her that the Government of Quebec has sent observers who will be carefully noting the evidence given during this inquiry.

[English]

**Hon. Sharon Carstairs (Leader of the Government):** I thank the Honourable Senator Nolin for his question. Interestingly enough, although I certainly knew about the commission, I only read for the first time today an article about the work of the commission which, as I think honourable senators know, has been established by the provincial government. It is an interesting exercise for the provincial government to ask the basic question: After 50 years, have we been well served by the Government of Canada? That is a question only Newfoundlanders can answer.

To the best of my knowledge, it is not the intention of the federal government to make representation because it understands that the commission is seeking the opinions of Newfoundlanders. Whether individual MPs and senators from the Province of Newfoundland and Labrador will appear before that commission remains to be seen.

[Translation]

**Senator Nolin:** Honourable senators, am I to understand that the Government of Canada is not planning on participating, even if only to ensure the veracity of the facts that will be reported to the people of Newfoundland and Labrador?

The Leader of the Government in the Senate must be aware that similar commissions have taken place in Quebec and, unfortunately, during such hearings, there is often a great discrepancy between the facts and the perceptions that people have. I hope that during these discussions, the Government of Canada will make an effort to ensure that the real truth comes to be told.

[English]

**Senator Carstairs:** Honourable senators, let us be very clear: This is a provincial royal commission, not a federal royal commission. I suggest to you that the Government of Canada would be hard pressed to interfere in the activities of a commission established by the Province of Newfoundland and Labrador. I do not think it would set a good precedent.

As to whether the Government of Canada will listen with interest, I am sure it is listening with great interest, as it would listen with interest to any study performed any place in this nation that is trying to seek out the opinions of citizens as to their role in this great country.

## INTERNATIONAL TRADE

### SOFTWOOD LUMBER AGREEMENT— DETAILS OF PROPOSED SUPPORT PACKAGE

**Hon. Pat Carney:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. The minister responsible in the other place has indicated a softwood lumber package will be revealed shortly that will help those provinces and those Canadians severely affected by the 27 per cent duty that the Americans are applying to softwood lumber. This is a critical issue in British Columbia where, of course, thousands of people are out of work, communities have had their tax rolls devastated, and some mills have indicated they will never reopen.

Could the Leader of the Government give us any current details about when this package might be released and what kind of elements it will contain?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I know that the honourable senator, having served in cabinet herself, would not want me to release information that I cannot and, therefore, I will not release it. The reality is that the Honourable Minister Pettigrew has indicated that a package will be forthcoming. I understand that Minister Dhaliwal will actually release it, but when that will take place and what it will contain, I am not at liberty to share at this time.

**Senator Carney:** Could I have the minister's undertaking to present the package to the Senate when it is available? I am not asking for cabinet details, but since there is so much cabinet material being released in the media these days, I thought she might wish to share it with her fellow senators when it becomes available.

**Senator Carstairs:** Honourable senators, I take my oath of secrecy extremely seriously. To the best of my knowledge and certainly without my touching it, I have never leaked anything from cabinet, and I do not intend to do so now or in the future. When it becomes a public document, it will be available on your desk.

## INTRODUCTION OF NEW PAGES

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I have a pleasant duty to perform.

[Translation]

I have the honour of introducing our new pages.

[English]

I would ask each page to raise his or her hand as I make the introductions.

Davy Coyle is from Winchester Springs, Ontario. He is in his second year of a double honours degree in political science and philosophy at the University of Ottawa.

Ashley Delaurier is from Tecumseh, Ontario. She is in her first year of a health sciences degree at the University of Ottawa.

Sarah Johnson is from Peterborough, Ontario. She is in her second year at the University of Ottawa, studying English literature.

[Translation]

Francis Poulin hails from Zenon Park, in Northeastern Saskatchewan. He is starting his fourth year at the University of Ottawa, where he is studying history and philosophy.

[English]

Megan Reid is from Leamington, Ontario. She is beginning her first year of studies toward a health sciences degree at the University of Ottawa.

Finally, Alexandria Spiess is a native of Ottawa. She is currently in her second year of the humanities program at Carleton University, with concentration in English literature.

Welcome to the Senate.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Before Orders of the Day, it is appropriate to deal with points of order. I believe there is one.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### STUDY OF NATIONAL HEALTH SYSTEM— NOTICE OF MOTION—POINT OF ORDER

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, earlier in the proceedings today, under Notices of Motions, an attempt was made to have introduced a notice of motion to provide that the Standing Senate Committee on Social Affairs, Science and Technology, be authorized to do something. Given that the committee does not yet exist, although we on this side hope that it will exist very soon and are being as assiduous as possible to see that it is convened as soon as possible, hopefully, early next week, the rules are very clear.



• (1450)

[English]

The rules are very clear, *inter alia*, rule 4(e)(i) that speaks to motions states:

(i) "Motion" means a proposal made by a Senator that the Senate or a committee thereof do something...

Obviously, we cannot authorize a non-existing entity to do something or refrain from doing something. You can never multiply zero by any number and achieve anything but zero. We would not want the argument put forth that, because something has appeared on the Order Paper, or that, indeed, a conditional undertaking is in the rules, it would somehow mandate and force the Senate to adopt the motion or to assume that we are voting in a certain way on a motion. We think it is out of order and should be ruled so by the Chair.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the notice of motion which was given today clearly was meant to alert us to a future activity of a committee not yet formed.

I should note, Your Honour, and I would certainly welcome a ruling on this issue, that we have done this in the past. Not only have we done it in the past, we have actually referred bills to committees that have not yet been formed. Therefore, it would seem to me that it would be appropriate to allow the notice of motion to remain, but it clearly could not be moved as a motion, in my view, until the committee is formed.

**The Hon. the Speaker:** Do any other senators wish to comment on this point of order?

It seems fairly straightforward and clear, but out of an abundance of caution, I will take it under consideration and give honourable senators a ruling as soon as possible.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

#### COMMENCEMENT OF SITTINGS ON WEDNESDAYS AND THURSDAYS—MOTION ADOPTED

**Hon. Fernand Robichaud (Deputy Leader of the Government)** pursuant to notice of October 2, 2002, moved:

THAT, for the duration of the current session, when the Senate sits on a Wednesday or Thursday, it do sit at 1:30 p.m., and that rule 5(1)(a) be suspended in relation thereto.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

[ Senator Kinsella ]

## COMMITTEE OF SELECTION

### MOTION FOR APPOINTMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C.:

That, pursuant to rule 85(1), the Honourable Senators Bacon, De Bané, Fairbairn, Kinsella, Kolber, LeBreton, Rompkey, Stratton and Tkachuk be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore* and (b) the Senators to serve on the several select committees during the present Session; and to report with all convenient speed the names of the Senators so nominated.—(Honourable Senator Kinsella).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I rise to participate in the debate on this motion because I gave an undertaking to the house yesterday that I would do so today. As all honourable senators know, at the beginning of a session, the Senate strikes a Committee of Selection, and that committee carries out the functions set out in the motion. That is done within a historical context, and that involves discussion between the government, the official opposition and other senators in this place.

It is my understanding those discussions have been taking place, and that a number of areas of agreement have been identified. For example, I believe that there is agreement on the principle that Her Majesty's official opposition, which is composed of the senators who are members of the Progressive Conservative Party of Canada in our Westminster system of parties, will have one-third of the membership on all of the committees. Therefore, on a 15-person committee, not less than one-third would be members of the Progressive Conservative Party. The same ratio would apply to 12-person committees and three-person committees.

### MOTION IN AMENDMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** For greater certainty, I would formally move, seconded by Senator Stratton:

That the motion be amended by adding after the last paragraph:

That the Committee of Selection shall nominate Senators to select committees on the basis of the principle that Progressive Conservative Senators have a minimum of one-third of the memberships of a select committee.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?



Some Hon. Senators: No.

Some Hon. Senators: Agreed.

[Translation]

#### POINT OF ORDER

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I agree with my colleague when he says that, generally, when committees are being appointed, there are discussions between the members of the government and the opposition. There is an agreement along the lines of the amendment by the honourable senator. This motion in amendment is not in order because it involves a change to the rules. Rule 85(1) clearly states:

At the commencement of each session, a Committee of Selection consisting of nine Senators shall be appointed whose duties shall be to nominate:

- (a) a Senator to preside as Speaker *pro tempore*; and
- (b) the Senators to serve on the several select committees.

A reading of the following subsections indicates that there is no mention of the representation of the different parties or of certain proportions.

Since this motion indirectly proposes a change to the rules and this requires notice to the House, I consider this amendment not to be in order.

Honourable senators, changing the rules to reflect the current proportions of government, opposition and independent senators would be binding on senators in future, should these proportions change. The rule as written is a wise one. It makes no reference to the proportion of senators from one party or another and leaves it up to the Committee of Selection to select and recommend to the Senate the number of senators from both parties and the number of independents to serve on the select Senate committees.

• (1500)

[English]

**The Hon. the Speaker:** To clarify, honourable senators, we started out with an amendment. We are now on a point of order as to whether the amendment is in order. I will hear comments from honourable senators on the point of order.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, rule 85(1) is clear as to the duty of the Committee of Selection. Rule 85(1) provides that the Committee of Selection "shall be appointed whose duties shall be to nominate."

In its work of making nominations, there is a long tradition in this place that advice is received by the committee and brought forward. If honourable senators examine the records of proceedings from any Committee of Selection meeting for the 12 years that I have been honoured to be a member of this house, they provide explicit evidence that principles and instructions are brought forward and discussed in committee. Thus, what I have proposed in the amendment simply articulates what has been a long-standing practice in this place.

It is critical to understand what the rule states. The committee will make nominations. The committee does not dream up those nominations. It receives advice and it discusses that advice when it meets. It is incumbent upon His Honour to examine the proceedings of a few of the Committee of Selection meetings in the past, which will, in my judgment, demonstrate clearly to His Honour that that is the practice. therefore, the motion I have made is consistent with that practice and is very much in order.

**Hon. Anne C. Cools:** Honourable senators, we are labouring under a discussion here in the absence of what should be important and pertinent information.

I believe I heard the Deputy Leader of the Government say that there have been ongoing discussions between the government and the opposition and that there is agreement on something that sounds like Senator Kinsella's amendment. Was I wrong on that? If there were ongoing discussions, it would be helpful, since honourable senators are being asked to consider this amendment and to vote on it, to have more insight as to what is happening. Would the deputy leader clarify? Perhaps I was wrong or misunderstood.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for that question. It has been agreed between the two sides that the Conservative representation on all committees would be one third. In those committees with a membership of 12, this would be an 8-4 split, and a 10-5 split in the two large committees of 15 members.

It has been further agreed that we would consider the requests of independent members to be part of the our split so that they might serve on one committee of their choice.

However, we have before us a motion that flies in the face of rule 58(1)(f). That rule requires two days' notice for an instruction to a committee. This is what the motion proposed by Honourable Senator Kinsella would do; it would instruct a committee. That would require two days' notice. The government has had no notice on that matter.

This matter is further complicated, honourable senators, by the fact that there is another problem before us at the present time. Rule 85(2) clearly states that the Committee of Selection must report a recommendation for the Speaker *pro tempore* no later than the fifth sitting day.

This is the fourth sitting day. It is essential that we pass this motion today in order that the Committee of Selection can meet and report back to this chamber by the fifth day, which is Tuesday. If we sit tomorrow, it would be tomorrow. If we sat on Monday, it would be Monday. However, I should think most honourable senators would prefer a normal sitting schedule. Thus, we will report back on Tuesday. In order to do that, the Committee of Selection must meet before it can report. That report must be on the next sitting day of the Senate.

I would suggest, honourable senators, that this entire motion is out of order.

**Senator Kinsella:** Honourable senators, with respect to the last matter that has been raised by the Leader of the Government in the Senate, a little reflection on what has been attempted to be argued would clearly demonstrate that, if that were the intent of the rules, the Senate would have a rule stating that a Committee of Selection would be appointed. That does not require any decision of the Senate.

The principal motion before this chamber is to strike this committee, which requires a vote in this house. If that is trumped by what I believe is a conditional rule, namely 85(2) which states that the Committee of Selection must meet within five sitting days and report on a Speaker *pro tempore*, that is an example of the subordinate clause driving the main clause. The main clause is the establishment of the committee. If the Senate had intended it to be the other way around, we would not have to vote.

If rule 85(2) is to be interpreted the way the Leader of the Government suggests, then a vote is completely redundant and has no meaning. Of course, that is not the situation.

In terms of rule 85(2), there is a *condictio sine qua non*, which is the establishment of the Committee of Selection. One cannot establish that the Senate must establish this committee because there is a subsidiary or contingent clause that is requiring the committee, once established, to do something. There is a certain *reductio ad absurdum* in that argument.

Furthermore, honourable senators, one cannot multiply something by zero and get something. There is no committee; therefore, rule 85(2) has no application until the Senate has established the committee.

**Senator Cools:** Honourable senators, many of us are at a striking disadvantage because much of the debate seems to be following on discussions that have been going on privately between the leaders. The time is rapidly coming when more of those discussions will have to include the rest of the Senate. I am always concerned that the context of negotiations and the fact of negotiations themselves often have the effect of shutting out the majority of senators from the consideration of important and pressing matters.

• (1510)

I have listened to the debate. As I look at the motion to constitute the Committee of Selection, the five-day action will only be called into force or existence on the passage of the motion. A motion can have absolutely no effect until it has been passed. In point of fact, this motion has not been adopted. Therefore, it is not an order of this place. There must first be a notice of motion, which is then followed by a motion. Only when the motion is adopted here does it have the force of the agreement of the entire

chamber. At the point of its adoption it becomes an order of the Senate, at which time the motion is in force. Thus, it is not quite accurate or fair to put it in those terms. That is the first point I should like to make.

Second, Senator Kinsella's motion in amendment is asking the Committee of Selection to bear in mind certain principles and maxims as it is in operation. It has not ordered the committee to do a particular thing, to act in a particular way, or to have a particular result. Therefore, it seems to me that Senator Kinsella's motion in amendment is in order and is not an instruction to a committee, because asking a committee to conform to well-known principles of governance, in particular parliamentary governance, can hardly be considered an instruction. As a matter of fact, one would hope that most committees would conform to and abide by a set of principles. To that extent, I do not see that it is an instruction.

It seems to me that the motion in amendment is fairly consistent with the text of the parent motion. The real question that must be asked in this point of order has to do with the Leader of the Government having just told honourable senators that all of this is agreed to.

What I do not understand, Your Honour, and perhaps someone could elucidate, is why this chamber is being asked to second-guess an agreement in the absence of the government itself bringing forward an agreement in the form of a motion to that effect. The crux of the matter is that there is an agreement between the government and the opposition that we are being asked to support. If this agreement seeks to be in force, then it should be in the form of a motion from the government. The real crux of the matter is that we are being asked here to consider and to vote on something about which we are told an agreement exists.

**Hon. Tommy Banks:** Honourable senators, I am sure, will appreciate that this is all very confusing to me. I am sure Your Honour will be considering the question. However, there is another aspect to the question which I hope Your Honour will address.

If I understand Senator Kinsella correctly, and please correct me if I do not, his argument was that rule 85(2) is subservient to rule 85(1). Rule 85(1) states:

At the commencement of each session, a Committee of Selection consisting of nine Senators shall be appointed whose duties shall be to nominate:

It does not state "within a few days of the commencement of a session"; it states, "At the commencement of each session..." I would like Your Honour to tell us, perhaps parenthetically in your ruling, what that means. I take it to mean when we begin to sit.

**Senator Kinsella:** Honourable senators, I was asked by Senator Banks to comment on the point that he has raised. I believe that the term "commencement" does not mean the first sitting day; it means at the beginning. A session can go on for a couple of hundred days. However, there is the practicality of it — usually it is done within the first couple of weeks.



For example, if honourable senators refer to the *Debates of the Senate* for November 17, 1999, they will see that it took eight days to come forward with a nomination for the Speaker *pro tempore*. We did not do it in five days; it took eight days. On other occasions it was not done within the five days. For example, there was one case when the Committee of Selection presented a report after five sitting days in which it stated, "Within these five sitting days we have met, and we are reporting, but we are afraid that we cannot report on a nomination for the position of Speaker *pro tempore*." In other words, the committee came in with a report following their interpretation of what those five days meant, but they made no substantive nomination as to who was their candidate for Speaker *pro tempore*.

If they are able to do that, then I argue, *mutatis mutandis*, that that dependent rule cannot trump the original one. If the committee, as it has done in the past, says, "Here is a report but we have no nomination," then that proves we need not have the nomination of the Speaker *pro tempore* within those five days.

On that point, and in parentheses, if we get beyond the point of order, Your Honour might find a willingness to deal this afternoon with the nomination of the Speaker *pro tempore* and, hopefully, there will be unanimous agreement on it. There is no necessary linkage in terms of the nomination of the Speaker *pro tempore* and the appointment of the Committee of Selection.

As far as I can understand, there is agreement as to the senator whom we all believe should take up the position of Speaker *pro tempore*. Even on that point, I refer His Honour to rule 11. Rule 11 provides that any senator may occupy the Chair. Rule 11 provides that if the Speaker is not available, the Speaker *pro tempore* will take the Speaker's place. However, should the Speaker *pro tempore* also be not available, then rule 11 provides that any other senator may occupy the place of the Speaker. The point is that not having an individual senator nominated and not having a nomination of a senator who is accepted by the Senate to serve in the position of Speaker *pro tempore* will not impede the good working of the Senate. In terms of the full context of the rules taken as a whole, nothing is lost. No injury or harm is done if, indeed, one could put a substantive argument to the fullness of meaning of rule 85(2), which is being attempted.

• (1520)

Finally, I will say this and say no more, unless provoked: There is no penalty. What is the penalty if we do not follow rule 85(2)? There is none.

**Senator Carstairs:** Honourable senators, we should first set the facts straight in this situation. The general practice in the Committee of Selection is that it sits immediately following the Speech from the Throne. The membership of the committee is provided and the agreement is taken. There is no formal vote. Normally the motion is put in this chamber when His Honour assumes the Chair. There has only been one occasion under these rules — and these rules, I should indicate, are 1991 rules which, interestingly enough, were the opposite side's rules for this chamber. Those rules were not questioned in 1993.

**Senator Cools:** Change them.

**Senator Carstairs:** At that point, the Leader of the Opposition had just been replaced. In that situation, the report recommended five Liberals and four Conservatives. The Leader of the Opposition objected to that split because the other side had the majority, and so we adjourned the debate. The report was amended the next day as to names and it was then approved.

In terms of the reference the honourable senator makes with respect to the report that was eight days late, that was not quite what occurred. Rule 85(2) states:

The Committee of Selection shall, within the first five sitting days of each session, present a separate report to the Senate in respect of its nomination...

That is exactly what the committee did. They reported back in respect of the nomination and told the chamber they wished to sit again. However, they did report back. We are now in danger of not being able to report back because we have not established the Committee of Selection. I would suggest that this is paramount to our activities. The very fact that rule 85(1) refers to "commencement of each session" indicates that the committee must meet very early on because rule 85(2) states that the committee must report back within five sitting days. We are now in the critical situation of being in day four. We must report back. I believe any motion that has been made on the other side is out of order.

**Senator Banks:** Honourable senators, I believe the leader has answered my question, but in those instances to which Senator Kinsella referred that went longer than eight days, I suspect that the committee might not have reported within five days, but that the committee — and I would ask to check on this — was empanelled within the first day of sitting of the Senate.

That is my argument. The committee, notwithstanding when it reports, ought to be empanelled on the first day because the rule says "at the commencement."

**The Hon. the Speaker:** Honourable senators, I should like to wind up quickly. Senators have observed that this is a fairly urgent matter given what has been said.

**Hon. Marcel Prud'homme:** Honourable senators, to be blunt, we are in somewhat of a deadlock and so we will need cooperation. At the beginning of every session a motion is made to appoint the Committee of Selection.

His Honour may remember that once, right in front of the Canadian public, I made some comments at the opening of a session. The Governor General had just left the chamber. All the guests were still seated, and I spoke on the motion to appoint the Committee of Selection. I said "no," and I made a speech. At the beginning of the next session, I was supposed to speak, but it was my mistake and I accept mistakes. I did not speak then and I did not speak this time.



Honourable senators, I do not mind being corrected because there are 50 new senators. We will be corrected together and we will learn together. However, a motion is debatable. Today, for instance, I could propose a motion in amendment to exchange senator X with senator Y. That would be an acceptable amendment. No one can deny that. I have the necessary seconder for such a motion, but They may not necessarily come from this side. However, I do not want to be an annoyance in my older age.

I could go on and on. During the days of the flag debate, for example, Mr. Pearson was recognized instead of Mr. Diefenbaker. The old timers will remember that that motion was debatable and was voted on at five minutes to 12:00. We won and Mr. Pearson had the floor. We could have said that the motion was amendable because a motion is debatable.

If this motion to appoint the Committee of Selection is not passed, nothing can be done. If something can be done, then I will bow with all the new senators and say that I learned something new today. This motion is always introduced at the beginning of a session and could have been debated on Monday in front of the audience who had attended the Throne Speech. However, debate was adjourned to the following day. We said "tomorrow." In the old days I would always say "tomorrow." I do not want to make the kind of passionate intervention that I did years ago because I am unable to do so, but we will need cooperation. Perhaps the weekend will help us all to reflect.

I do not hide the fact that I am a senior parliamentarian. It is well known that I want to be a member of the Standing Senate Committee on Foreign Affairs. Well, I will give up that wish. I have indicated that fact privately, but not in writing. I would be willing now to sit on a committee that is being proposed — I say it officially today — but I think that we will have to work together. This is not a house of commonsens. There is an opposition. I do not consider myself in opposition. There is a government. The opposition must recognize that the government is the government, but the government must recognize that the Senate functions well when the opposition — not me — cooperates so that we can harmoniously establish respected committees chaired by the likes of Senator Kirby, Senator Carstairs and Senator Nolin. However, we cannot have that cooperation if we do not put a little more water into our discussion so that we nominate chairmen and deputy chairmen.

We all hear so many rumours. I learned of one that even involved me. That is really "dépasser la réalité."

Honourable senators, I do not know if I have made a contribution today, but perhaps the weekend will be helpful for reflection. The sooner we can start working together, the sooner we will show the House of Commons that the Senate is still an important institution in this country.

[ Senator Prud'homme ]

**The Hon. the Speaker:** Honourable senators, as has been observed in the interventions, this is an important point of order. It relates to whether we return to the main motion, whether the amendment is out of order or whether we continue with the amendment if it is in order, and we should deal with it expeditiously. I believe I can assist by making a ruling today, but I should like a few minutes to compose the ruling. Thus, I would ask honourable senators for leave to suspend the sitting for no more than 15 minutes to the call of the Chair and that there be a five-minute bell before the sitting resumes. May I have that permission, honourable senators?

**Hon. Senators:** Agreed.

The sitting of the Senate was suspended.

• (1550)

The sitting of the Senate was resumed.

#### SPEAKER'S RULING

**The Hon. the Speaker:** I should like to thank honourable senators for their assistance by way of interventions on the point of order, and I am now prepared to give a ruling.

The question was whether an amendment moved by Senator Kinsella is in order. I will begin by reading the motion in amendment of Senator Kinsella, seconded by Senator Stratton:

That the motion be amended by adding after the last paragraph:

That the Committee of Selection shall nominate Senators to select committees on the basis of the principle that Progressive Conservative Senators have a minimum of one-third of the membership of select committees.

As to the question of whether that amendment is in order, I refer honourable senators to *Beauchesne's Parliamentary Rules & Forms*, 6th edition, at page 176, paragraph 579, which deals with inadmissible amendments. I will read this paragraph in that I rule it is the only one relevant to this question. The first part of the paragraph states:

An amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved in the main motion is not relevant and cannot be moved.

I find that the proposition contained in Senator Kinsella's amendment is not foreign to the main motion.

The second part of the paragraph states:

An amendment may not raise a new question which can only be considered as a distinct motion after proper notice.

I rule that Senator Kinsella's amendment does not raise such a new question. Accordingly, I find that this amendment is not an instruction such as a new order of reference.

Rule 85(1) provides the Selection Committee with the order of reference. The amendment in question merely expands the order of reference. Accordingly, I find the amendment to be in order.

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** So as to put it properly, we are now on the question.

**Hon. Marcel Prud'homme:** If each committee were to have 12 members and we were to vote yes to this amendment, there would be four Conservatives and eight on the government side. If the government wanted to put some independents on a committee, they would be bound by this amendment and could not make an agreement with the official opposition. That would be quite embarrassing for an independent senator. Senator St. Germain has asked me to say a few words on this matter on his behalf.

An independent senator who wished to sit on a committee would have to be taken out of the eight and by way of an agreement between the two parties, who may say, "Well, in this case we will give you one, but in the other case we will not give you one."

As for the five independent senators, I know I can speak for Senator St. Germain, but I cannot vouch for the other three. One has exercised to keep his right to be on committees, but not to officially sit on committees. As for the other two, I did not have enough consultation to speak on their behalf. We know very clearly what will take place if we vote for the amendment. It has a lot of merit. Two new senators came to me and said, "Keep talking. We are learning by reading and listening."

I repeat again humbly, if I am out of order or if I am wrong, I do not mind to be told, "go to lunch." I will, if you pay.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I listened carefully to what Senator Prud'homme said. Earlier in the session, I did indicate that the split would be eight to four and that we were prepared to accommodate independent members from our group of eight.

**Senator Prud'homme:** I hope I will be one of them.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will put the question.

Will those honourable senators in favour of the motion in amendment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators.

Under our rules, there will be a one-hour bell, unless there is agreement between the whips for a shorter bell.

**Hon. Bill Rompkey:** Perhaps we could agree on a short bell of 15 minutes or half an hour.

**Hon. Terry Stratton:** We are deferring the vote to the next sitting of the Senate.

**Senator Carstairs:** No.

**Senator Rompkey:** I would argue that no vote can be deferred from today. If a vote is deferred from today, we are in abrogation of rule 85(2). Any vote that is put must be put today.

I also remind senators that there are other events taking place on the weekend in Western Canada to which senators have committed themselves, and it is a very important matter for these senators. I just mention that in passing because people do have commitments and social commitments that are very important.

With regard to the vote, I think it must be done today. I would prefer a half-hour bell, but I am in the hands of the chamber.

**The Hon. the Speaker:** The rules are fairly straightforward in this regard. I draw the attention of honourable senators to rule 67(1), which states:

After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

Accordingly, it is a vote that can be deferred.

#### POINT OF ORDER

**Hon. Sharon Carstairs (Leader of the Government):** Your Honour, with the greatest respect, we also have rule 85(2), which provides that we must have a vote on this motion. The motion requires the Committee of Selection to report. We can only form the Committee of Selection if we have a vote today. It appears to me that rule 85(2) takes precedence over rule 67 in this particular case.

**The Hon. the Speaker:** I think we are on another point of order, honourable senators, as to whether we must vote today or not and whether Senator Carstairs' point is correct. I will hear comments on that point of order.



**Senator Carstairs:** Honourable senators, the point of order is that we have a motion before us to form the Committee of Selection pursuant to rules 85(1) and 85(2). Rule 85(2) states that this committee must report within five sitting days. We already have had four sitting days. If we defer this vote until the next sitting day, we will have violated our rule. I would argue that we cannot violate the rule by using one rule to violate another rule. That is what would occur.

• (1600)

The debate today has been about the need to have the vote on the Committee of Selection. We accepted the Speaker's ruling and we chose not to appeal it because we do not think that would have been in the best interests of the Senate. However, we thought it was clearly understood by everyone in this chamber that the issue today is about choosing the Selection Committee. That must be done to enable the Selection Committee to report back to this chamber no later than the fifth sitting day of this session.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, if one accepts the argument of the Leader of the Government it would mean that the Selection Committee could be chosen at five minutes to midnight on the fifth day and would have to report to this place within five minutes. The rule is contradictory. Honourable senators, rule 85(1) states: "At the commencement of each session —" What is the definition of "commencement?" It is not necessarily the first day, but it is "a beginning." In French, it is "le début." A session lasts perhaps one or two years, but what is the beginning — the commencement — of a session? Is it the first week or is it the second week? The beginning of a session is certainly more than five days.

**Senator Rompkey:** Is it the first month or the first year? How far would you suggest?

**Senator Lynch-Staunton:** There is a beginning, a middle and an end in each session.

**Senator Rompkey:** How far into the session would you define as "the beginning"?

**Senator Lynch-Staunton:** We are currently in the first week of the second session of the 37th Parliament and we are still at the beginning of the session — at the commencement of the session. We are only in its fourth day. You cannot impose a deadline on a non-existent entity. You must create the committee first and then the five-day deadline would be in effect. Otherwise, the Senate could skewer the workings of the committee by deliberately waiting until literally the last minute to create the committee and impose on it a decision that would take more than five minutes.

**Senator Bolduc:** It is obvious!

**Senator Lynch-Staunton:** My argument is this: The five-day rule does not apply. Perhaps His Honour will have to rule on that in due course. However, I will take advantage of this point of order to expand on the immediate argument. Let us assume that the five-day rule is currently in force. Let us not accept it but let us

assume it. It only applies to the choice of the Speaker *pro tempore* and does not apply to memberships on our standing committees. The five-day rule applies to one key individual. We are quite prepared to waive the rule today and, notwithstanding rule 85, to accept a motion from the government side for their candidate for Speaker *pro tempore* and to vote on that matter this afternoon. In that way, the argument over the five-day rule will be behind us. That is a goodwill gesture and I am certain there will be no argument over the choice of the government. The people that they have selected are more than acceptable to us and we would be more than enthusiastic about their selection.

**Hon. Senators:** Hear, hear!

**Senator Lynch-Staunton:** Let us put that matter behind us. Returning to the argument of Senator Carstairs, the five-day rule cannot be applied now because the entity to which it applies has yet to be created.

**Senator Bolduc:** It is obvious!

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I understand the Leader of the Opposition when he says that we cannot apply something to an entity that does not exist.

Rule 85 of the Senate provides that at the commencement of each session, a committee of selection shall be appointed to present a report to the Senate. I find it hard to accept the argument that the words "at the commencement" can mean "for a long time", since rule 85(2) reads as follows:

The Committee of Selection shall, within the first five sitting days of each session, present a...report to the Senate...

It is clear that this rule exists to ensure that the Committee of Selection is appointed, otherwise it cannot report. Following that, the Senate can, at the earliest opportunity, begin the proceedings it should undertake as a chamber of Parliament that is part of the legislative process.

If we use the argument that the expression "at the commencement" may mean two weeks or a month, anyone can prevent this chamber from operating the way it should. If the *Rules of the Senate of Canada* said "a few days", that would leave room for interpretation, but they clearly say "within the first five sitting days".

We are not suggesting that the committee must submit the names of the members of all the committees within the first five days. Of course, this should be done at the earliest opportunity, as was done in the past. It is only recently that the opposition was given the option to adjourn the debate on this motion.

The Committee of Selection should be appointed to report on the fifth day, and we are now in the fourth day. If we agree to defer a vote, we will not fulfil the obligations spelled out in the



*Rules of the Senate of Canada.* If the rules are to be used only when it is convenient, we have a problem, because suspending them would set a dangerous precedent. We can do anything with the unanimous consent of this chamber.

I find it hard to understand why we would act so as to violate a rule that was agreed to by this chamber.

[English]

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Senator Carstairs raised the point of order before us. The rules provide that the right of the whip of the opposition to defer a vote can be trumped by rule 85(2).

Honourable senators, even if one accepted that there is no basis of logic in my view, there is a reason to accept the view that rule 85(2) can trump rule 85(1). That would trump the rule that gives the right to the opposition whip and, by extension, to the government whip as well, because we have not arrived at the point of five sitting days. Rule 85(2) states: "The Committee of Selection shall, within the first five sitting days —".

We are at the fourth sitting day. There is no way, even with the greatest of creativity and imagination, that you can anticipate what will happen on the fifth day, so as to abrogate the rights that the *Rules of the Senate* have established. There have been many occasions when the Selection Committee has been appointed on a given day; and has sat, reported to the house and had its report adopted on that same day. There is no way that the point of order by the Honourable Leader of the Government in the Senate is sustainable.

• (1610)

**Hon. Anne C. Cools:** Honourable senators, rules 85(1) and (2) seem to be the rules that are currently bedevilling us. It seems crystal clear to me that rule 85(2) can only come into effect once a Committee of Selection has been constituted; in other words, a motion to that effect has been voted on and carried in this chamber. If that does not happen, then there is no need to make reference to rule 85(2). Therefore, it seems to me that honourable senators have to come back to the present reality and ask themselves: "What is a committee?"

It seems to me that a committee is not a substitute for the Senate; neither is a committee an alter ego of the Senate. A committee is a subgroup of the Senate, appointed and constituted for the sole purpose of giving the Senate some assistance — not for thinking for the Senate, not for deciding for the Senate, but for giving the Senate some assistance. All the authorities will tell you that. The great authority on committees was Sir Reginald Palgrave. He will tell you that the function of committees is to assist the Senate. It seems to me that if a committee is in a position or not in a position to offer assistance, the Senate has many other able vehicles at its disposal. The Senate, after all, is the master of itself.

Therefore, there is no need to waive rule 85(2), as someone was suggesting. We would not be breaking any rule if the Senate just did what it knows how to do, which is act as an independent chamber in command of its own proceedings, in command of its own abilities, and in command of its own self.

The only problem I can see is that the Senate wants to act in the matter of making a determination in its wisdom and judgment as to the person who will best act as the speaker *pro tempore*. It seems obvious to me that that is the will of the Senate because the Senate has chosen, up to this moment, not to allow rule 85(2) to be actuated. Therefore, the only solution that is possible in this circumstance is for a motion to be put before this chamber recommending or nominating or suggesting the favourite candidate for the position of Speaker *pro tempore*. At that point, the Senate will be able to make a judgment in its wisdom.

SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, I thank you for your input on the question of order raised by Senator Carstairs.

I would remind honourable senators of where we are in the proceedings. We are at a point in a division just prior to the bells ringing to call in the senators. In the course of a discussion on whether the bell be one hour, it was put by the opposition whip, as the rules provide, that the vote be deferred to the next sitting day at 5:30, which gave rise to Senator Carstairs' point of order which is that, because of the provisions of rules 85(1) and (2), there can be no deferral of the vote because we are so close to the fifth day — we are on the fourth day — and therefore, I should not look to those procedural rules, but only to rule 85.

By way of a ruling, I would not be able to consider that until the question is ripe; that is, until the Senate is on the fifth day, because that would interfere with matters that the Senate, itself, is responsible for and that the rules provide are engaged by the Senate and senators until such time as that question might arise. I do not rule on that question. It is not timely to rule on it until we are faced with it.

The next sitting day could be tomorrow, if the vote is deferred to tomorrow and taken tomorrow. If the government whip uses the rules, it could be deferred to the next sitting day, which could be tomorrow or the next sitting day next week.

In any event, my ruling is that it is not timely to rule on the point of order because we are not at the fifth day. We are now at the point of calling in the senators. I will once again look to the floor to see whether there is an agreement on the bell. If there is no agreement, there will be a one-hour bell. Rules, with which you are all familiar, provide for the deferral of votes.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with all due respect to His Honour, I appeal his ruling on the question raised by the Leader of the Government in the Senate.

[English]

**The Hon. the Speaker:** I take it that there is to be a vote on the ruling I have just given. Is that correct, Senator Robichaud?

This is a question to the Senate chamber with respect to an appeal of the ruling of the speaker.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I will speak to a point of order. It is a bit late to appeal His Honour's ruling. A vote was called. The yeas and nays were taken. The honourable senator rose and reminded us that the rules provide for an hour's bell." Senator Stratton then asked to defer the vote. Senator Rompkey objected. Senator Robichaud and Senator Carstairs picked up the argument. This chamber has already indicated that it wants a vote on the issue. Your Honour had actually called the vote. Your Honour's decision cannot be overruled by the testiness of the leadership opposite.

**Hon. Sharon Carstairs (Leader of the Government):** With the greatest respect, honourable senators have no objections to having a vote on the motion of Senator Kinsella. What we are objecting to is having a deferral of that vote, which would then put us in the fifth day, which would, in fact, be in violation of our rules. It is that simple.

**Senator Lynch-Staunton:** The rules allow the vote to be deferred. That is the rule honourable senators are working with now; we are not working with His Honour's ruling. Honourable senators are discussing how to handle the vote. Senator Stratton, by the rights given to him in the *Rules of the Senate*, has asked for deferral of the vote. Now honourable senators are awaiting Senator Rompkey's response following His Honour's ruling that we should proceed.

**The Hon. the Speaker:** Honourable senators do have a point of order within a point of order, and I will hear senators on it.

**Hon. Bill Rompkey:** Our position is clear, Your Honour, as outlined by the leader: Rule 85(2) is very clear.

**Senator Lynch-Staunton:** His Honour has already ruled on that.

**Senator Rompkey:** If honourable senators defer the vote until later than today, they are in abrogation of rule 85(2). The committee will not be able to meet in time to submit a report within five days. Our position is that the vote must be taken, and it must be taken today.

• (1620)

**Hon. Marcel Prud'homme:** Honourable senators, with all due respect, you have made a decision. To the best of my recollection, we never continue a debate on a decision that has been taken by calling a vote. I am sorry if it displeases the chamber, but debate is not allowed after the question has been put. It would be quite a change for me, after 39 years in Parliament, to entertain debate while we are having a discussion solely about when we would like to vote.

**The Hon. the Speaker:** Senator Prud'homme, I can perhaps clarify for you. We are not debating the amendment or the main motion. We are on a point of order raised by Senator Carstairs. I have given a ruling. I was about to take my chair when Senator Robichaud rose to challenge the ruling. Another question came up after that challenge, as to whether the challenge is timely. We are dealing with the timeliness issue now. Senator Kenny wanted to speak.

**Hon. Colin Kenny:** Honourable senators, with respect, a challenge is not debatable. Everything that has been going on is

inappropriate. When there is a challenge, you move to vote on the challenge. There is no debate. The rules are very clear.

**The Hon. the Speaker:** You are quite right, Senator Kenny. We are not debating that issue. We are debating whether or not Senator Robichaud rose in a timely manner to challenge the Speaker's ruling. I think it might be useful for me to read the relevant rule referred to by the Table, which provides:

Except in accordance with...Rule 37(5), all decisions of the Speaker shall be subject to appeal to the Senate, and such an appeal shall be decided forthwith, without debate.

The question then is, do I accept the challenge? I believe that it is incumbent upon the Chair to be as generous as possible in terms of allowing senators to speak and allowing senators to use the *Rules of the Senate*. Accordingly, I rule that the challenge can be made. I will proceed now to take the vote, which is non-debatable, on the challenge to the Speaker's ruling. I will summarize here because I do not have a record. The ruling was that the decision as to whether rule 85 or other rules of the Senate prevail was not timely because we are not on the fifth day, as referred to in Rule 85.

Honourable senators, the question is whether the ruling of the Speaker is sustained. Will those honourable senators in favour of the ruling please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the ruling please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. It will be a one-hour bell.

• (1720)

Speaker's ruling negated on the following division:

## YEAS

### THE HONOURABLE SENATORS

Atkins  
Beaudoin  
Cools  
Keon  
Kinsella  
LeBreton  
Lynch-Staunton

Murray  
Oliver  
Prud'homme  
Sibbeston  
Stratton  
Taylor—13



NAYS

THE HONOURABLE SENATORS

Bacon	Jaffer
Baker	Kenny
Banks	Kolber
Biron	LaPierre
Carstairs	Lapointe
Cook	Léger
Corbin	Maheu
Cordy	Mahovlich
De Bané	Milne
Fitzpatrick	Pearson
Fraser	Phalen
Furey	Poulin
Gauthier	Robichaud
Gill	Rompkey
Graham	Setlakwe
Hervieux-Payette	Stollery
Hubley	Wiebe—34

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** Honourable senators, my ruling is that it is not timely to rule on the point of order because we are not on the fifth day. That is Senator Carstairs' point of order on the prevalence of rule 85 over other rules. The consequence of this appeal is that it is timely and that it is as if it is in effect the fifth day, and the question of whether rule 85(2) is now in play is something on which I must now rule.

I had considered the possibility of the ruling that I made not being sustained, and I should be able to make that next ruling in a very few minutes. Although I could make it from the Chair, I would be grateful for the indulgence of honourable senators for another 10 or 15 minutes, with a five-minute bell to call the chamber back.

Honourable senators, do I have your leave to do so?

**Hon. Senators:** Agreed.

The sitting of the Senate was suspended.

• (1750)

The sitting of the Senate was resumed.

**The Hon. the Speaker:** Honourable senators, the sitting is resumed.

[Translation]

**Senator Robichaud:** Honourable senators, I respectfully ask His Honour not to give the ruling he was about to give. We have reached an agreement that would make it possible to appoint the Committee of Selection, which would present report on the fifth day, Tuesday, October 8, 2002, in respect of its nomination of a senator to preside as Speaker *pro tempore*. The Committee of Selection would also report on the Committee on Social Affairs, Science and Technology.

The Committee of Selection would therefore present its report on these two items and would have the time to meet, at its members' discretion, to discuss and later reach an agreement on the other committees.

We would like to ask His Honour to again put the question on the amendment moved by the Honourable Senator Kinsella, which we can dispose of. We agree with this amendment. We could then move on to the main question, which is the motion about appointing the Committee of Selection.

[English]

**The Hon. the Speaker:** Before you rise, Senator Kinsella, I would draw to your attention, honourable senators, that it is almost six o'clock. Is it your wish not to see the clock?

**Hon. Senators:** Agreed.

[Translation]

**Senator Kinsella:** Honourable senators, I would like to confirm our common agreement, as was described by the Deputy Leader of the Government, Senator Robichaud. We are in full agreement.

[English]

**Senator Prud'homme:** I would like to be sure that, if we agree with these two fine senators representing the government and opposition, that would terminate the debate on the formation of the committee and on the names of those who have been proposed by the government. For the record, I would note that Senator Carstairs is indicating her agreement.

I understand that the motion now to be put by His Honour dealing with the one-third, split in committee membership, et cetera, is clear.

I also understand that Senator Carstairs is of the opinion that, if there are to be independent senators appointed to committees, their numbers will be deducted from the allocated number of Liberal senators. The Liberal senators will still have a majority on committees. I do not understand why some people seem so nervous. There will still be a Liberal majority, including the chair. Even if the chair chooses to take a neutral stance, the Liberals will still have a majority. I am sure that will be clear to Senator St. Germain.

With respect to the comment that there has been so much hanky panky — and I do not know if it is very nice to use that phrase in English — I hope that the other commitments that were made verbally or otherwise will also be met. I suppose that civility has returned. As an old man, I want to say that I am glad to see, at the end of the day, democracy at its best and that civility has been restored.

**The Hon. the Speaker:** Thank you, honourable senators.



It has been communicated to the chair by the Deputy Leader of the Government and the Deputy Leader of the Opposition, with respect to the ruling, that I cannot answer questions, Senator Prud'homme, but if I could comment in passing on your intervention, I believe there was a general understanding of what you outlined.

Is the house now ready to return to the motion in amendment of Senator Kinsella and to the motion of Senator Robichaud, seconded by Senator Rompkey, striking the Committee of Selection?

• (1800)

**Senator Cools:** Honourable senators, may I be permitted a question of clarification? The leader or the deputy leader could perhaps assist.

I understood the deputy leader to ask Your Honour not to give the ruling. Is that permissible? I am under the impression that that ruling was supposed to be brought on because of a wish or an order of the entire house. How can it be that you can suspend, postpone or abandon giving a ruling at the request of one senator?

**The Hon. the Speaker:** I do not find anything out of order in the request of the deputy leaders. It can be considered that the ruling is deferred, and I so consider it. It may be that we will return to it, or that we will not return to it. Am I correct? I look to the deputy leaders.

I have been asked to put to the house this request for leave that we return to the motion in amendment of Senator Kinsella and to Senator Robichaud's motion striking the Committee of Selection. Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** I will then put the question on the motion in amendment of Senator Kinsella, which I will read again to remind honourable senators.

It was moved by Honourable Senator Kinsella, seconded by the Honourable Senator Stratton:

That the motion be amended by adding, after the last paragraph:

That the Committee of Selection shall nominate Senators to select committees on the basis of the principle that Progressive Conservative Senators have a minimum of one-third of the memberships of a select committee.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion agreed to.

**The Hon. the Speaker:** We now return to the main motion. Are you ready for the question, honourable senators?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by Honourable Senator Robichaud, seconded by —

**Senator Prud'homme:** Dispense.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion as amended?

Motion agreed to, as amended.

## NATIONAL SECURITY AND DEFENCE

### REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"—GOVERNMENT RESPONSE—MOTION—DEBATE ADJOURNED

**Hon. Colin Kenny,** pursuant to notice of October 2, 2002, moved:

That, within three sitting days of the adoption of this motion, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, tabled on February 28, 2002.

On motion of Senator Murray, debate adjourned.

[Translation]

## ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, October 8, 2002, at 2 p.m.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 8, 2002, at 2 p.m.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, October 3, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02							

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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**SENATE PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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S-3 An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)

S-4 An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)

S-5 An Act respecting a National Acadian Day (Sen. Comeau)

S-6 An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)

**PRIVATE BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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CANADA

# Debates of the Senate

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2nd SESSION

•

37th PARLIAMENT

•

VOLUME 140

•

NUMBER 5

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OFFICIAL REPORT  
(HANSARD)

Tuesday, October 8, 2002

—

THE HONOURABLE DAN HAYS  
SPEAKER





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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, October 8, 2002

[Translation]

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

### THE LATE HONOURABLE LOUIS DE GONZAGUE GIGUÈRE

#### TRIBUTES

**Hon. Lise Bacon:** Honourable senators, I rise today to pay tribute to Senator Louis de Gonzague Giguère, who passed away this past June at the age of 90.

Born in Hébertville, Senator Giguère sat for nearly 18 years in the Senate. In 1968, he was the first Senate appointment by then Prime Minister Pierre Elliott Trudeau. The Honourable Senator Giguère studied at the Chicoutimi and Sherbrooke seminaries and then at Laval University. During his career, he gained a reputation as an excellent administrator in public affairs and politics. He worked for the Quebec Ministry of Labour and was Secretary of the Provincial Royal Commission on the Financial Administration of Quebec's Hospitals.

One of Senator Giguère's particular accomplishments is that he was the Founding Secretary of the Institut des Affaires publiques in 1954. During the 1960s, he was a board member of what was then known as the Central Mortgage and Housing Corporation and, later, he sat on its executive committee.

In addition, he was very actively involved in politics. Not only did he work for the establishment of the Liberal Federation of Canada in Quebec, he was also Chief Liberal Party Organizer for Quebec in the 1963, 1965 and 1968 elections.

In the Senate, Senator Giguère showed particular interest in committee work, particularly when scientific research policy was involved. He served the people of Quebec and of Canada with great dedication, conviction and distinction. Our sincere condolences go out to all of the members of his family.

**Hon. Jean-Claude Rivest:** Honourable senators, I would like to join with those who have spoken in this Chamber in expressing their most sincere condolences to Senator Giguère's family.

Senator Bacon just gave us an outline of Senator Giguère's career. As we can see, he was always very involved in his community, whether in the business world, to which he devoted the greater part of his energy, or in the areas of health, education and politics.

He was the founder of the Institut des affaires publiques, a very active forum in Quebec during the fifties, sixties and seventies. This group included academics, union leaders, business people and politicians who reflected on the modernization of Quebec society and on the evolution and place of Quebec within Canada.

Senator Giguère was a close associate of the Liberal Party of Canada under Mr. Pearson. He was undoubtedly an extremely influential Liberal Party organizer when the so-called three doves, namely Mr. Trudeau, Mr. Pelletier and Mr. Marchand, who would leave their mark on Canadian and Quebec political history, arrived on the political scene.

In a democracy, we tend to focus more on those who get votes or who hold public office, but people like Senator Giguère and thousands of other Canadians involved in a minor or more significant way in the daily operations of parties also contribute to the successes of governments.

Senator Giguère was a very active member of the Liberal Party of Canada. He did not seek the limelight, but he was effective and, for this reason, the Quebec and Canadian political communities are indebted to him for his commitment and for his conception of political action for activists within a party. This is a particularly noble commitment, because it is based on a desire to serve the public.

It is for this reason that it is important that this chamber remember a man of commitment and action, Senator Giguère.

### THE LATE HONOURABLE JEAN-PIERRE CÔTÉ, P.C., O.C.

#### TRIBUTES

**Hon. Pierre De Bané:** Honourable senators, today, I would like to pay tribute to the Honourable Senator Jean-Pierre Côté, who passed away on July 10, at the age of 76.

Senator Jean-Pierre Côté, who was a health care professional, was born in Montreal and was elected to Parliament in 1963, 1965 and 1968.

• (1410)

Sworn in as a member of the Privy Council in December 1965, he was the Postmaster General until 1968 in the government of the Right Honourable Lester B. Pearson. During the term of the Right Honourable Pierre Elliott Trudeau, he was appointed Minister of National Revenue, but unfortunately illness forced him to reduce his activities.

In 1970, he became a minister without portfolio. In 1971, when he regained his health, he resumed as Postmaster General for a one-year period only.

On September 1, 1972, the Honourable Jean-Pierre Côté was appointed to the Senate of Canada. In April 1978, he resigned from the Senate. He was appointed Lieutenant Governor of Quebec, a position he held until March 1984.

Throughout his distinguished career as Member of Parliament, minister and representative of her Majesty in Quebec, the Honourable Senator Côté served the people of Quebec and Canada with spirit, conviction and dignity.

I shall remember Senator Côté as a man who was fundamentally good, fundamentally generous, a man with no enemies who always tried to understand the wishes of the people and reflect these wishes with his utmost sincerity. On behalf of all of the Senate, I offer our most sincere condolences to the members of his family.

**Hon. Gérard-A. Beaudoin:** Honourable senators, the Honourable Jean-Pierre Côté passed away July 10, 2002. Born in Montreal on January 9, 1926, he studied at the École technique de denturologie in Montreal. He was awarded the gold medal for merit in dental technology in 1951. He married Germaine Tremblay in 1948; they had eight children together. First elected to the House of Commons in 1963, then re-elected in 1965 and 1968, he became Postmaster General on December 18, 1965. He was appointed to the Senate on September 1, 1972. He was Lieutenant Governor of Quebec from April 27, 1978 to March 27, 1984. The Honourable Jean-Pierre Côté was appointed an Officer of the Order of Canada in 1992.

The Honourable Lise Thibault, Lieutenant Governor of Quebec, paid tribute to him on July 11 by thanking him "for what he accomplished during his term, and also for the services he provided Canadians while carrying out his ministerial responsibilities."

The Honourable Jean-Pierre Côté devoted a part of his life to serving his fellow Canadians, as a member of Parliament, a minister, senator, lieutenant governor and volunteer. Public life is not always easy, and is often thankless. Despite this, Jean-Pierre Côté always gave his best. He will be greatly missed. I offer my deepest sympathies to his wife, his children and to all of his family.

[English]

## SENATORS' STATEMENTS

### QUESTION OF PRIVILEGE

#### NOTICE

**Hon. Anne C. Cools:** Honourable senators, pursuant to rule 43 of the *Rules of the Senate*, I gave notice earlier this day that I intend to raise, later today, a question of privilege.

Honourable senators, I now give oral notice that it is my intention to do as I indicated in my notice.

Honourable senators, I shall be raising a question of privilege in respect of certain public statements made about the Sovereign of Canada, Her Majesty Queen Elizabeth II, the Queen and Head of State of Canada, by the Honourable John Manley, the Deputy Prime Minister, which statements advocate the overthrow of the monarchy in Canada, the ousting of the Queen herself from the

Constitution of Canada, and the substitution of an alternative queen, such as popular singer Céline Dion, and which same statements have been well publicized and well reported in the print and broadcast media throughout Canada.

Honourable senators, in addition to that, these statements were made literally hours after the arrival of Her Majesty the Queen in Canada in order to celebrate the fiftieth anniversary of her accession to the Throne, known as the Golden Jubilee.

### THE HONOURABLE DAVID P. SMITH, P.C.

#### WELCOME TO THE SENATE

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I beg your indulgence once more to conclude my welcome to our newest colleague, Senator David Paul Smith. Let me pick up where I left off the other day.

While continuing as Deputy Mayor of Toronto, Senator Smith continued his practice of law. While the practice and business were his preoccupations, federal politics was and remains his passionate obsession.

David decided to run for Parliament, and run he did, successfully. As a member of the House of Commons, he chaired a special committee reporting on disabilities, and then in turn led the successful lobbying to include disability rights in the Charter.

He joined the cabinet as Secretary of State for Small Businesses and Tourism, where he served with imagination and energy, two of David's natural gifts.

I recall — and Honourable Senator Lowell Murray may recall — that during the Charter and amending-formula debates there was great difficulty as a result of the opposition's very acute and intelligent lobbying in the mother of all Parliaments, the British Parliament. Provincial lobbyists as well as opposition members did a good job of seeking to convince some members of the House of Lords and the House on the other side that there should be major concerns with respect to the amending formula and the Charter. Mr. Trudeau sent David as a government troubleshooter to persuade reluctant British parliamentarians to accept the amending formula in the 1982 Constitution to overcome these well-organized and very acute objections. His persuasive powers were and are legendary. For these and other contributions, he proudly received a rare Queen's Counsel appointment from the federal government.

When he retired from Parliament in Ottawa, he was never far from politics in Ontario, involved in every national campaign at the most senior levels since the 1960s. He became campaign chairman in Ontario and the national campaign chairman under Mr. Chrétien in the last election. Meanwhile, he rose to the pinnacle of the legal profession as managing partner of Fraser Milner Casgrain, and helped build his firm into a national presence.



He makes his home in the heart of Toronto — he is a neighbour of mine — and summers in Cobourg. He led the Liberal Party to almost a full house in Ontario in the last three federal elections, a feat never before matched in Canadian political history.

He is a world traveller — there is no corner of the globe unfamiliar to his curious mind and capacious memory. His keen sense of humour will be a pleasant distraction from his more sober duties here in the Senate.

Now our friend David starts a third career in politics as a senator for Ontario, from Cobourg, his country home. While I can say without fear of exaggeration that David is prepared for the Senate, I wonder if the Senate is prepared for this burly life force called David.

**An Hon. Senator:** Three minutes!

**Senator Grafstein:** Rarely has an individual been so fully armed and loaded and ready to take on the exacting and self-effacing tasks confronting a senator.

While we survey the current political landscape, the old road maps in Canadian politics are of little value and offer no hints to the future. Rest assured, David will be among the skilful guides around the difficult political shoals, waterfalls and cascades awaiting all of us on this side of the aisle and the other in the current Parliament.

With your indulgence, honourable senators, may I have another moment?

**An Hon. Senator:** No.

**The Hon. the Speaker:** Honourable Senator Grafstein, I regret to advise you that your three minutes have expired.

#### THE HONOURABLE WILBERT J. KEON, O.C., O.ONT.

##### CONGRATULATIONS ON APPOINTMENT TO PRESIDENCY OF INTERNATIONAL SURGICAL GROUP

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to draw your attention to the accomplishments of one of our colleagues here in the chamber.

I am sure you are aware of the achievements of Senator Keon. He was the first Canadian surgeon to implant a total artificial heart as a bridge to transplant. He has published extensively in his field and has received many honours and awards, including the Order of Ontario and the Order of Canada.

Recently, our colleague has received another distinction. He has been appointed as President of the International Surgical Group. This group is an international, not-for-profit organization that was founded in the early 1960s. It is composed of world-renowned leading surgical specialists. Active membership in this group is limited to 60 members, and it is quite an honour to have a fellow Canadian appointed as president.

In his new capacity, Senator Keon will be hosting the 2003 International Surgical Group conference here in Ottawa. This is the first time that the group's annual meeting will be held in the capital. It will provide the opportunity for the members to share

the latest research, innovations, surgical interventions and procedures with colleagues within all disciplines.

Honourable senators, I ask you to join me in congratulating our accomplished colleague.

**Hon. Senators:** Hear, hear!

• (1420)

[Translation]

#### THE HONOURABLE YVES MORIN, O.C., O.Q.

##### CONGRATULATIONS ON RECOGNITION BY THE CANADIAN FEDERATION OF BIOLOGICAL SOCIETIES FOR EXCEPTIONAL CONTRIBUTION

**Hon. Raymond C. Setlakwe:** Honourable senators, it is my pleasure to acknowledge a well-deserved honour bestowed upon our distinguished colleague, Doctor Yves Morin, by the Canadian Federation of Biological Societies.

[English]

The Canadian Federation of Biological Societies has honoured our distinguished colleague, in recognition of his outstanding contribution to the promotion of biomedical science research and education in Canada.

It is worth noting that cabinet ministers have previously received this honour, but this is the first time that a senator has been the beneficiary of this award.

[Translation]

Such recognition does not come as a surprise to anyone, since Senator Morin has long been recognized by his peers as the Dean of the Faculty of Medicine at Laval University and Director of the Institut de cardiologie de Québec. He has also been very active, since his appointment to the Senate, on our Standing Committee on Social Affairs, Sciences and Technology. Congratulations, dear colleague!

[English]

#### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF STATE OF HEALTH CARE SYSTEM—SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, before proceeding with the daily routine of business, I will make a ruling requested of me.

On Thursday, October 3, during the Daily Routine of Business, Senator Morin gave notice of a motion on behalf of Senator Kirby. The purpose of the notice is to authorize the Standing Senate Committee on Social Affairs, Science and Technology to examine several aspects relating to Canada's health care system. The motion would also permit the committee to make use of evidence collected by the committee during the Second Session of

the Thirty-sixth Parliament and the First Session of this Parliament with a view to submitting a final report on this study no later than October 31, 2002. Once the notice of motion was given, I reminded the Senate that it would not be possible to deal with this motion until the standing committees are underway.

[Translation]

Just before Orders of the Day, I recognized Senator Kinsella on a point of order relating to this issue. It was his contention that the notice of motion is out of order because the committee does not yet exist. In his view, the Senate cannot authorize a non-existing entity to do something or refrain from doing something.

[English]

By way of rebuttal, Senator Carstairs noted that the object of the notice was to alert the Senate of possible future activity of the committee. Moreover, the senator complained that there are precedents of the Senate adopting motions referring bills to committees even before the committees were formed. In this case, however, the senator indicated that it would seem to be more appropriate not to move until the Standing Senate Committee on Social Affairs, Science and Technology is formed.

[Translation]

In the intervening time, I have had an opportunity to look into this question more closely. Let me begin by noting that I neglected to mention last Thursday that, under rule 23(1), the point of order is somewhat premature. The rule explains that a point of order in relation to any notice given during the daily Routine of Business can only be raised at the time the Order is first called for consideration by the Senate.

[English]

Be that as it may, I have been able to confirm that there have been two recent precedents when the Senate agreed to refer a bill to a standing committee before the membership of the committee was approved by the Senate. The first instance occurred on November 3, 1999, when Bill S-6, amending the Criminal Code, was referred to the Standing Senate Committee on Legal and Constitutional Affairs. The second instance happened January 31, 2001, when a different Bill S-6, dealing with wrongdoing in the public service, was referred to the National Finance Committee. In the first instance, the motion was amended with leave of the Senate to qualify the reference by inserting the phrase "when and if the committee is formed." In the second case, the motion proposed by Senator Kinsella was moved with this qualification included.

Despite these two precedents, it seems to me that the use of the phrase "when and if" is redundant, particularly when applied to standing committees. As the term implies, standing committees are permanent committees of the Senate recognized as such in the *Rules of the Senate*. These permanent committees are reconstituted early in every session in order to carry out the tasks assigned to them.

[The Hon. the Speaker]

Applying the reasoning of the precedents to the present case, there are two options available. Either the Senate can agree, if leave is granted, to amend this debatable motion by adding the phrase "when and if the committee is formed," or the Senate can accept the proposition of the government leader that the motion not be moved until such time as the Senate agrees to a report of the Committee of Selection recommending the membership of the Standing Senate Committee on Social Affairs, Science and Technology, in which case no leave is required. Any decision on this need be made only when the order is actually called for debate. It is my ruling, therefore, that the notice of motion is in order.

## ROUTINE PROCEEDINGS

### COMMITTEE OF SELECTION

#### FIRST REPORT OF COMMITTEE PRESENTED AND ADOPTED

**Hon. Bill Rompkey**, Chair of the Committee of Selection, presented the following report:

Tuesday, October 8, 2002

The Committee of Selection has the honour to present its

#### FIRST REPORT

Pursuant to Rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Pépin as Speaker *pro tempore*.

Respectfully submitted,

**WILLIAM ROMPKEY**  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator Rompkey:** With leave, later this day.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, may I suggest to my honourable friend that leave be requested to deal with the matter forthwith?

**The Hon. the Speaker:** Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Rompkey:** Honourable senators, I move the adoption of the report.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.



## SECOND REPORT OF COMMITTEE PRESENTED

**Hon. Bill Rompkey**, Chair of the Committee of Selection, presented the following report:

Tuesday, October 8, 2002

The Committee of Selection has the honour to present its

## SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following standing committee:

STANDING COMMITTEE ON SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, \*Carstairs (or Robichaud), Cook, Cordy, Di Nino, Fairbairn, Keon, Kirby, LeBreton, \*Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson and Roche.

\* *Ex Officio Members*

Respectfully submitted,

WILLIAM ROMPKEY  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator Rompkey:** Honourable senators, if there is no agreement to proceed forthwith, I wonder if there might be agreement to proceed later this day.

**The Hon. the Speaker:** Is leave granted to proceed later this day?

**Hon. Senators:** Agreed.

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration later this day.

• (1430)

## ANTI-TERRORISM BILL

REPORT OF SPECIAL COMMITTEE PURSUANT  
TO RULE 104 TABLED

**Hon. Joyce Fairbairn:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Committee on Bill C-36, to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities, in order to combat terrorism, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate)

INTERNAL ECONOMY, BUDGETS  
AND ADMINISTRATION

## FIRST REPORT OF COMMITTEE PRESENTED

**Hon. Richard H. Kroft**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, October 8, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

## FIRST REPORT

Your Committee recommends the adoption of Supplementary Estimates of \$969,000 for the fiscal year 2002-2003.

These Supplementary Estimates are needed to meet the following requirements:

- 1) to normalize the resources to meet the current deployment within the Protective Service;
- 2) for the replacement of printing equipment;
- 3) for the development of an integrated approach to disability management;
- 4) to produce an American Sign Language (ASL) and "la langue des signes du Québec" (LSQ) version of the Senate Committee Report "Quality of End-of-Life Care: the Right of Every Canadian"; and
- 5) to provide for full funding for Parliamentary Exchanges and Associations.

Respectfully submitted,

RICHARD H. KROFT  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kroft, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

## BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO  
MEET DURING ADJOURNMENTS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that tomorrow, Wednesday, October 9, 2002, I will move:

That, for the duration of the present session, any select committee may meet during adjournments of the Senate.



## SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON  
EIGHTH SITTING DAY—NOTICE OF MOTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to rule 58(1)(h), I give notice that at the next sitting of the Senate I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

[English]

## HERITAGE LIGHTHOUSE PROTECTION BILL

## FIRST READING

**Hon. J. Michael Forrestall** presented Bill S-7, to protect heritage lighthouses.

Bill read the first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Forrestall, bill placed on the Orders of the Day for second reading two weeks hence.

## THE SENATE

NOTICE OF MOTION REQUESTING GOVERNMENT  
RESPONSE TO NATIONAL SECURITY AND  
DEFENCE COMMITTEE REPORT

**Hon. Jane Cordy:** Honourable senators, I give notice that on Thursday next, October 10, 2002, I will move:

That within 150 days, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Senate Committee on National Security and Defence, entitled *Defence of North America: A Canadian Responsibility*, tabled on August 30, 2002.

INDEPENDENCE OF SPEAKER IN WESTMINSTER  
MODEL OF PARLIAMENT

## NOTICE OF INQUIRY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I give notice that on Thursday next, October 10, 2002, I will call the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.

Some Hon. Senators: Hear, hear!

## ACCESS TO CENSUS INFORMATION

## PRESENTATION OF PETITIONS

**Hon. Lorna Milne:** Honourable senators, once again, I have the honour to present petitions. This time these petitions bear the signatures of 940 Canadians in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia, who are researching their ancestry and who are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the confidentiality privacy clauses of statistics acts since 1906, to allow release to the public, after a reasonable period of time, of post-1901 census reports starting with the 1906 census.

I have now presented petitions with 19,169 signatures to the First Session of the 37th Parliament, petitions with over 6,000 signatures to the 36th Parliament, and petitions with 940 signatures to the Second Session of the 37th Parliament. All of these petitions call for immediate action on this very important matter of Canadian history.

## QUESTION PERIOD

## FOREIGN AFFAIRS

IRAQ—ATTEMPT TO BOMB MEETING INVOLVING  
PRESIDENT SADDAM HUSSEIN

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. An article in the Italian press from ANSA quotes a report from the Kuwaiti Al-Qabas that an Iraqi MiG-23 pilot has attempted to bomb one of Saddam Hussein's presidential palaces at Al Tharthar where Saddam Hussein was holding a meeting. The Iraqi aircraft was subsequently shot down and the pilot is being interrogated, interestingly enough, in the presence of Saddam Hussein. Is the honourable leader able to confirm whether the government has any information about this event?

**Hon. Sharon Carstairs (Leader of the Government):** I would thank the honourable senator for drawing that report to my attention. This is the first time I have heard of the incident. My staff are listening and they may be able to obtain additional details. With the permission of the Senate, when Question Period is over, I would be pleased to share that information. Otherwise, I shall try to provide additional information as soon as possible.

• (1440)

## NATIONAL DEFENCE

REPORT OF CONFERENCE OF DEFENCE  
ASSOCIATIONS—STATE OF ARMED FORCES

**Hon. J. Michael Forrestall:** I express my appreciation to the Leader of the Government in the Senate for that response.

I ask that question as a precursor to the deterioration of the international situation between the U.S. and the United Kingdom and Iraq, and to the heating up again of relations between India and Pakistan.

The Conference of Defence Associations has released another highly critical report on the state of the Canadian Armed Forces entitled: "A Nation at Risk." The report states, among other things, that Canada is about to abandon its naval task force capability, that our destroyers are likely to be placed in extended, unmanned readiness, that our operational support ships are unlikely to be replaced, that our Victoria-class submarines require a major upgrade, and that money must come from somewhere to begin a mid-life refit of the Halifax-class. I have not even mentioned the replacement of the Sea Kings.

Will the Leader of the Government in the Senate go to the Minister of Finance and demand emergency funding for the Canadian Armed Forces in the amount of \$1.5 billion?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator well knows the importance of the Conference of Defence Associations, their institute. Those who serve, some 600,000 strong, are represented by this association. Obviously, their report will be considered by the government because it is an important one.

The government has acknowledged that the Canadian Forces do face resource challenges. The government has also said, in its Speech from the Throne, that a long-term direction on international and defence policies must take the form of a review. It is my understanding that no decisions will be made prior to the completion of that review.

**Hon. Gerry St. Germain:** Honourable senators, my question is also to the Leader of the Government in the Senate and relates to the question that Senator Forrestall put forward in regard to this report, which I have read quite thoroughly. I read that the report was prepared by a blue ribbon panel of retired officers. What Canadians should know and what should be on the record is that the report finds that the substantial decline in the Canadian Forces is putting the entire nation at risk in terms of losing its security against domestic and international threats, its economic prosperity and especially its sovereignty.

When we look at reports that are now coming out of the U.S. about U.S.-Canada relations, much of it is predicated on our inability, in the eyes of the Americans, to function as a nation, as we have in the past, due to the decline in our military strength.

Does the honourable senator have a comment in view of the fact that we are looking at a situation that the world has never seen before, the Iraqi situation, as well as other situations? Does she agree that this blue ribbon panel of officers is correct, or does she disagree with their report?

**Senator Carstairs:** Unlike the honourable senator who has indicated that he has read the report thoroughly from one end to the other, I have not had that opportunity. I have read the news

stories about it. I asked for and received some background on who were the individuals who formed this association. Since 1932, this has been an association of some repute.

The honourable senator also engaged in dialogue relating to statements made by the Americans. I would suggest to the honourable senator that defence policy for Canada will be made in Canada. It will not be made in the United States. Having said that, we have a situation in which, on the one hand, we have great praise coming from the United States for our participation in the war against terrorism. Our troops on the ground in Afghanistan have received nothing but the highest praise from the United States. We also hear that they would like us to have more weapons of a variety of sources. Those decisions will not be made by the United States. Those decisions will be made here in Canada.

**Senator St. Germain:** I believe Canadians would accept that, but the Liberal government of the day has not made any decisions. They have neglected our military such that morale has deteriorated to the point that the military personnel themselves are speaking out against what is happening in this country. Their equipment is outdated.

Honourable senators, we have talked about this issue before. The Leader of the Government, the minister in this place, has defended the position of the government on helicopters, tanks and various other equipment. Yet, this very government, the cabinet in which the minister sits, went out and bought jets to transport ministers and let the helicopter replacement issue go sideways. How is this justifiable in the eyes of the public and the eyes of the military when this country asks our men and women to put their lives on the line when they go into battle?

The Americans, certainly, will not be anything but praiseworthy of the effort that was made by our soldiers in Afghanistan. What does the honourable leader think they would do? This is a joke.

It is time that the minister speaks to what she is being told in this place and on behalf of the military in a responsible manner so that the military can at least have some hope of improving their plight as they go about their duties in the world.

**Senator Carstairs:** The honourable senator has managed to put a number of issues in one question. Let us deal with them one at a time.

First, the honourable senator speaks about the morale of the armed services deteriorating when, in reality, recruitment drives have never been so successful as they have been over the past little while. If there is a morale problem, why are young people choosing to join our Armed Forces in significant numbers?

Second, the honourable senator speaks about equipment. He tried to make the comparison between the Challenger jets and the Sea King helicopters. Some \$80 million has been spent on the Sea Kings over the past few years to ensure that they are maintained to capacity in order to serve and continue to perform their functions.



If there is an ongoing policy for purchasing new aircraft, it is slower than any of us in this chamber would like. As I have expressed to the minister, it is slower than I would like to see, if for no other reason than giving Senator Forrestall some good news for a change on this issue.

The Speech from the Throne was very clear: There will be a review. That review will go hand in hand with our foreign policy review. I believe that is the way it should take place. Canadians will be consulted because, if one looks at the surveys, Canadians appear to be very supportive of additional resources going into the military. They are also very supportive of additional monies going into education. They are very supportive of additional monies going into health care as their number one priority. They also tell us that they do not want to go back to deficit spending.

#### SEQUENCE OF FOREIGN POLICY REVIEW AND DEFENCE POLICY REVIEW

**Hon. J. Michael Forrestall:** Will the external review take place before we complete the defence review?

**Hon. Sharon Carstairs (Leader of the Government):** I understand that both reviews will take place at the same time.

#### TABLING OF REPORTS ON COST ALLOCATIONS FOR EQUIPMENT

**Hon. Laurier L. LaPierre:** Honourable senators, I heard the word "morality," but I understand it was the word "morale" that was used. I can say, therefore, that morality will not be affected by the lack of equipment, if there is such a lack.

Could the honourable senator table in the Senate all of these reports that have been made by these learned people, who have stated clearly where the money is to come from to increase the budget of the Department of National Defence for our Armed Forces? I am uncertain as to the amount, whether it is \$2 billion to \$8 billion to \$12 billion to \$22 billion.

• (1450)

If it is to come from health care, from the children's agenda, the CBC, culture or through deficit spending, we need to know. These people get up and make statements without any proof of what they are saying, insofar as it relates to the cost of the equipment they want, with the exception of Senator Kenny's brilliant statement. These committees and reports also never state where the money is to come from.

I should like to ask the Leader of the Government in the Senate to ask her many researchers to look into that.

**Hon. Sharon Carstairs (Leader of the Government):** I wish to assure you, honourable senators, that I do not have many researchers, but the ones I have work extremely hard.

In terms of the reports that have costed these large sums of money, I have never yet read a report that tells me the source of the money. The reports make demands that such and such an amount of money needs to be spent. Sometimes, very good justification is given for why such an amount of money has to be spent.

As the honourable senator has so eloquently put it, no information is given as to which programs are to be sacrificed to come up with these large sums of money.

### THE ENVIRONMENT

#### COST TO GOVERNMENT OF CONSULTATIONS ON CLIMATE CHANGE

**Hon. Mira Spivak:** Honourable senators, my question is for the Leader of the Government in the Senate. A great deal of debate on the Kyoto Protocol has been about consultation with industry and the provinces. Opponents of the protocol are calling for much more consultation. However, the Government of Canada has already spent almost a decade consulting on climate change. The National Climate Change Secretariat and its various issue tables, the National Round Table on the Environment and the Economy, Environment Canada, external consultants and environmental organizations are some of the federally funded bodies that have consulted on this issue, and consulted with industry and the provinces. Certainly, we need a specific plan. We need to have discussion, and perhaps critical evaluation, of that plan. However, it is wise to remember now how much consultation has gone on previously.

My question is as follows: Is the Leader of the Government able to inform us about how much time and money the Government of Canada has spent on climate change consultation since the Rio conference? How many person-years and dollars have been spent trying to achieve a consensus? In other words, I should like the Leader of the Government in the Senate to confirm that a great deal has been spent in consultations and what that means in terms of evidence.

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator is quite correct when she indicates that the consultation process has been going on for 10 years. Interestingly enough, one of the participants at almost all of those discussions has been the Province of Alberta, which has chosen to participate as we move towards a plan to meet the demands of climate change.

As to the specific question about how much has been spent on negotiations and how many person-years have been involved, I cannot provide that information at this time, but I shall seek that information and provide it at the earliest opportunity.

### INDUSTRY

#### AUDITOR GENERAL'S REPORT—SMALL BUSINESS FINANCING PROGRAM—COST-RECOVERY RATE ON SMALL BUSINESS LOANS

**Hon. Donald H. Oliver:** Honourable senators, my question relates to the Auditor General's discussion of the management of the Canada Small Business Financing Program in chapter five of her just-released report. As chapter five is a follow-up to the 1997 report made by the Auditor General on this program, the Auditor General revisits certain issues that she raised in 1997 to see how effective the government has been in addressing her previous concerns. One of these issues is the matter of the cost-recovery



rate on loans made to small business under this program. Specifically, the auditor points out that in its 2000-01 Annual Report the Department of Industry stated that it does not expect to meet its cost-recovery goals for loans guaranteed between April 1, 1995, and March 31, 1999. What this translates into is a loss of \$155.8 million by the end of March 2001 and projected losses of over \$200 million over the life of the loans administered under the Canada Small Business Financing Program and its predecessor, the Small Business Loans Program.

My question to the Leader of the Government in the Senate is this: What measures will her government be taking to address this problem so that poor cost recovery does not become a permanent feature of this program?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator raises the issue from the portion of the Auditor General's report dealing with small business financing. Of course, he does not raise the helpful comments that the Auditor General has made about the enormous progress that has been made in this particular program. She comments on the fact that the legislation has enhanced accountability to Parliament, and the importance of that accountability. She highlighted the program's performance and delivery. She has identified, as the honourable senator clearly states, that there are still issues with respect to cost recovery, and the government has committed in its response to the Auditor General's report that it will move to meet ways in which that can be done more effectively.

**Senator Oliver:** Honourable senators, it is interesting that the honourable leader chose to highlight some of the aspects of the report that she says are positive. That leads to my supplemental question. The Auditor General's report points out that since 1998 there has been a significant drop in the number of loans made through the Canada Small Business Financing Program. In interviews with financial institutions, the Auditor General ascertained that one of the reasons for the alarming decline in the amount of loans granted is the amount of administrative work in the loans. Beyond monitoring the level of usage, the department did not use its response to the Auditor General — that response is spelled out at the end of chapter five — to provide any details about how it intends to address the problem of the program's administrative burden.

Does the Leader of the Government in the Senate have anything to add to the department's response related to the matter of the administrative burden and the negative impact it is having on small businesses wanting to borrow money?

**Senator Carstairs:** There is no question that the banking community certainly seems to feel that it has been an administrative burden and that they would like to see that reduced. At this point, I cannot tell the honourable senator what specific things will be done to reduce that administrative burden. The question that also needs to be asked is this: If there have been fewer loans and there has not been a decline in the vibrancy of the small business sector, what was going on in the economy that prompted them not to return to this program but to be able to continue their viability without these loans?

[Translation]

## FINANCE

### EQUALIZATION PROGRAM—RETURN OF EXCESS REVENUE PAYMENTS BY CERTAIN PROVINCES

**Hon. Roch Bolduc:** Honourable senators, in early September, we received a disconcerting document from the Finance Department. We learned from it that, very early in the beginning of the year, the Canada Customs and Revenue Agency had announced the discovery of an accounting problem resulting in major overpayments to four of the provinces. It appears that between 1993 and 1996 the federal government had paid out \$838 million too much, and from 1997 to 1999, another \$2.5 billion.

As accounting errors go, this is pretty significant. From 1993 to 1996 the auditor has established that \$838 million was on the loose somewhere. So, they started over from scratch. However, after 1997, the auditor was able to conclude that \$2 billion of the \$2.5 billion was paid out to Ontario.

If the government recovers these funds, provincial revenue will be reduced and, as a result, equalization payments to the other provinces, including those to Quebec and the Maritime provinces, will be affected.

I am trying to understand the government's logic. It says that, from 1993 to 1996, there were overpayments of \$838 million; but we are not absolutely certain about that figure, so we write it off. However, we are sure about the \$2.5 billion. Yet, this would have an impact on both the payers and the recipients of the equalization payments. The government says it will not cut the share of the recipients, the Province of Quebec included. The situation for Manitoba is the opposite. But Ontario would have a lot to pay back. We cannot demand so much, so we will cut it in half. We will take nothing away from the recipients, but we will ask Ontario to pay less than expected, that is \$1.3 billion instead of \$2 billion plus.

• (1500)

I do not know if this is a compromise reached by provincial finance ministers, but it is not covered by the agreement on equalization. There is nothing to that effect in the agreement. The governments are, in my opinion, making an arbitrary administrative rule. It seems to me that this is not what the principle of equalization is all about. By definition, it is about making clear rules that apply to everyone. I would like some clarification on this, because it is not simple.

[English]

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator knows, I had an interest in this case because the actual loss per capita to Manitoba was the largest of all the provinces.

The facts are as follows: From 1993 to 1999, six provinces received more than \$3.3 billion in tax revenue that they should not have received, which generated \$1 billion in additional payments to the eight provinces that received equalization. The government attempted to come up with a balanced response.

On September 4, the Minister of Finance announced a broad solution. Ontario and Manitoba are the only provinces that will make repayments. The Minister of Finance also announced that the tax and equalization payments would be corrected from the year 2000 onwards. Media said the following:

A relieved Manitoba Finance Minister Greg Selinger said he is satisfied with the solution outlined by Deputy Prime Minister John Manley. "This is consistent with the proposal we put before the federal government at the outset. I would like to commend Finance Minister John Manley for moving on this in a timely fashion."

Clearly, the response that the government came up with met with great favour in my province. My understanding is that while Quebec's minister raised some issues, it is noted that the equalization program's floor position will limit the extent to which Quebec's entitlements could fall in this year. The precise impact of that floor will not be known until later this year.

[Translation]

**Senator Bolduc:** Honourable senators, in other words, an agreement has been reached. The ministers are happy, so they signed it. It is somewhat like unions and the government: when some minor agreement is negotiated, everyone is happy, the agreement is signed, and then the public pays for it. This is my understanding.

[English]

**Senator Carstairs:** Honourable Senators, it was decided that everyone should share the burden. There is no question that this was a mistake made by the federal government, a mistake about which the Auditor General said were the perfectly right figures to be using. It then became apparent that they were not the right figures to be using.

The government then came up with a solution that is balanced, particularly when one looks at the reaction of the Manitoba government, which was to suffer the most per capita. They came back and said that the federal government had achieved a balanced solution.

[Translation]

## FOREIGN AFFAIRS

### ISRAEL AND PALESTINE—SITUATION IN GAZA

**Hon. Marcel Prud'homme:** Honourable senators, what is the position of the Canadian government regarding the massacre — there is no other word for it — that took place in the past few days and hours in Gaza? Has the Government of Canada issued a statement?

[ Senator Carstairs ]

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not know whether the government has made a formal statement, but it has clearly indicated on the record its unease about events that have recently taken place.

**Senator Prud'homme:** We all remember that we voted for a free trade agreement with the State of Israel. As a sign of encouragement toward peace, a decision was taken by the Right Honourable Prime Minister Chrétien and Mr. Rabin. It so happened that by the time we gave this ultimate pleasure to the Israeli authorities, the Israeli Prime Minister had changed. The situation is now getting worse and worse.

Fourteen people were killed in the most recent Israeli incursion into Gaza, which has been condemned by our great friends to the south and by the entire European community. They join the more than 40,000 people who have already been injured, people we never talk about. I am getting sick of it.

I understand that by speaking calmly I have already eliminated myself from the Standing Senate Committee on Foreign Affairs for another year. We are getting sick and tired. You can smile and laugh, especially some of you who I shall, in a debate, refer to by name.

I think the situation is only getting worse. The ultimate goal of the Israelis is to scare people away, as Mr. Shamir and Mr. Begin who were ex-terrorists before they became prime ministers, did in the old days. They chased people away and scared them into leaving.

Is there anything else that Canada can do to show how much we care and how much we despise these events?

**Senator Carstairs:** Honourable senators, the Canadian government has urged Israel to refrain from using force wherever possible, particularly where civilians are at risk.

We continue to encourage both Israel and all Palestinians to pursue actions that are consistent with the common goal of two states, Israel and Palestine, living side by side in peace and security.

## THE ENVIRONMENT

### KYOTO PROTOCOL—ECONOMIC EFFECT ON PROVINCES

**Hon. John Buchanan:** Honourable senators, I have a question for the Leader of the Government in the Senate about the Kyoto accord. Preliminary federal studies refer to Canada's major energy producing provinces — that is, Alberta, Nova Scotia and Newfoundland.

It is great to be able to stand here and state that Nova Scotia and Newfoundland are among the major energy producing provinces in this country.

Having said that, Ontario has made it clear, through its premier, that they will refuse to cooperate on Kyoto.



Ontario will refuse to co-operate with the federal government on the Kyoto accord if Prime Minister Jean Chrétien refuses to reveal his plan for cutting greenhouse gases under the climate change treaty, Premier Ernie Eaves said Tuesday.

"I'm not signing on to anything that I don't know the effect of at the end of the day,"...

**The Hon. the Speaker:** Honourable senators, I rise to remind you, there are only two minutes left in question period.

**Senator Buchanan:** Your Honour, I have not risen to speak in a while. I thought my colleagues would want me to say a few more things.

**An Hon. Senator:** Your two minutes are up.

**Senator Buchanan:** We know the position of the Government of Alberta. The Premier of the Government of British Columbia, Premier Campbell, stated:

It is incumbent upon the federal government to explain to every premier across the country what is his plan, how is he going to achieve whatever target it is he wants to achieve and how is he going to do that without costing any part of the economy hundreds of thousands of jobs, or tens of thousands of jobs for that matter.

He appealed to the federal government for an implementation plan.

• (1510)

The position of Nova Scotia is the same. The Premier of Nova Scotia, John Hamm, criticizes the federal government for not having a realistic implementation plan for the Kyoto accord. He said that Canadians have yet to see a realistic, workable plan from Ottawa to implement the accord. He advised Ottawa that ratification of the accord without a workable plan would be akin to someone buying a house without viewing it first.

There are statements from Gordon Balser, the Minister of Energy from Nova Scotia, and the Premier of Newfoundland. These statements advise that all Newfoundlanders and Nova Scotians in the Senate should be very concerned about the Kyoto accord and its economic effect on these small provinces.

**Senator St. Germain:** Way to go!

**Senator Buchanan:** Keen on protecting Nova Scotia's oil and natural gas energy, Energy Minister Gordon Balser called on the federal government Tuesday —

**The Hon. the Speaker:** Honourable senators, I regret to advise that the 30 minutes for Question Period have expired.

**Senator Buchanan:** May I continue tomorrow?

[Translation]

## ORDERS OF THE DAY

### TAX CONVENTIONS IMPLEMENTATION BILL, 2002

#### SECOND READING—DEBATE ADJOURNED

**Hon. Raymond C. Setlakwe** moved the second reading of Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.

Honourable senators, I appreciate the opportunity to speak today at second reading of Bill S-2, the Income Tax Conventions Implementation Act, 2002.

The purpose of this legislation is to enact seven tax treaties that Canada recently signed with other countries. More specifically, our tax treaties with Belgium, Italy and Norway are updated to ensure that our bilateral arrangements are consistent with current Canadian tax treaty policy.

The bill also implements new treaties with Kuwait, Mongolia, Moldova and the United Arab Emirates. They relate to Canada's continuing efforts to expand its network of tax treaties and are designed to provide taxpayers with more certain and equitable tax results in their cross-border dealings. The aim of Canada's tax treaties is to protect taxpayers from double taxation and to assist tax authorities in their efforts to prevent fiscal evasion.

Canada and the other member countries of the Organization for Economic Co-operation and Development have long recognized the importance of relieving double taxation and protecting against fiscal evasion, and their collective efforts have resulted in the Model Double Taxation Convention prepared by the OECD. Canada's tax treaties, while tailored to address our particular needs, are generally patterned on this document and are in accord with international norms.

[English]

Before reviewing the bill, I should like to provide some background that will put the legislation in context.

Canada imposes tax on the worldwide income of Canadian residents and on the Canadian-source income of non-residents. These two fundamental features of Canadian income tax have been with us for a very long time. In other words, all income of Canadian residents, whether earned in Canada or abroad, is taxable in Canada. Non-residents, on the other hand, are only subject to Canadian income tax to the extent that they participate in the economic life of Canada or receive income from sources in Canada. In this regard, the Canadian tax system functions in accordance with international norms.

When our income tax system was overhauled in the early 1970s, one of the results was the expansion of Canada's network of tax treaties with other countries. Ongoing efforts have been undertaken to maintain and update this network ever since.



Bill S-2 relates to this effort. Our network of tax treaties is one of the most extensive of any country in the world. At present, Canada has tax treaties in force with more than 75 countries. Further, Canada has tax treaties in force with all of its major trading partners, as well as all but two, Greece and Turkey, of the 30 member countries of the OECD.

[Translation]

Canada's tax treaties are all developed with two main purposes in mind. First, they are designed to prevent double taxation and provide a level of certainty about the tax rules that apply to international transactions. The potential for double taxation arises when a taxpayer resides in one country and earns income in another. Without a tax treaty, both countries could claim tax on the income. Double taxation treaties therefore ensure that income is not taxed twice.

Our tax treaties accomplish this in three ways. First, they allocate taxing rights between Canada and its treaty partner over different categories of income. Second, they set out rules for resolving dual claims about a taxpayer's residential status and source of income. And third, they allow taxpayers who believe they have been unjustly treated under the terms of a tax treaty to present their case to tax authorities.

[English]

The second objective in signing tax treaties is to encourage cooperation between revenue authorities to prevent tax evasion or avoidance. This is achieved in a number of ways, including the following: by allocating profits between parties on an arm's-length basis; by ensuring that domestic law applies in cases involving transfer pricing and other international avoidance practices; by providing for the exchanges of information between respective tax authorities; and in some cases, by the mutual assistance in the collection of taxes.

[Translation]

Honourable senators, let me take a moment and explain why relief from double taxation is necessary. Tax treaties impact on the Canadian economy, particularly because they help facilitate international trade and investment by removing tax impediments to cross-border dealings. This is significant because, as honourable senators know, Canada's economy relies significantly on international trade. In fact, Canadian exports account for more than 40 per cent of our annual GDP. What is more, Canada's economic wealth depends on direct foreign investment to Canada as well as inflows of information, capital and technology.

[English]

In other words, by eliminating tax impediments and by creating more predictable tax results for traders, investors and other taxpayers with international dealings, our tax treaties promote opportunities at home and international trade and investment abroad.

[ Senator Setlakwe ]

Since Canada's economy is likely to become more intertwined in the world economy, eliminating tax impediments in crossborder trades will remain important.

I should like to point out there can be economic disadvantages for countries that do not enter into tax agreements with other countries. The absence of such agreements can have harmful effects on the economic relations between countries because it makes double taxation a possible concern to taxpayers. Without a tax treaty in place setting out tax rules, income is at risk of being taxed in both countries. This outcome stands to produce unfair results and can have adverse economic impacts. It is fair to say that tax treaties help to promote certainty and stability, and in so doing they help produce a better business climate.

[Translation]

Honourable senators, I now want to discuss some of the specific measures in the legislation we are debating today. The tax treaties in this bill set out under what circumstances, and to what extent, Canada and its treaty partners may tax the earnings of one another's residents. Some of the more discernible restrictions concern withholding taxes. In Canada, certain income, such as interest, dividends and royalty payments to non-residents anywhere in the world is subject to a withholding tax. This practice is a common feature in international taxation.

• (1520)

Canada's network of tax treaties provides for several withholding tax rate reductions, the overwhelming majority of which operate on a reciprocal basis.

Without a tax treaty or other legislated exemption, Canada generally taxes income paid to non-residents at the rate of 25 per cent of the gross amount of the payment.

The seven treaties contained in this bill reduce the rates of withholding tax that can be levied in Canada and by each of our respective treaty partners.

For example, all of the treaties introduce a maximum rate of withholding tax of 15 per cent on portfolio dividends paid to non-residents. Moreover, in the case of dividends paid by subsidiaries to their parent companies, the maximum rate of withholding tax is reduced to 5 per cent, in all cases.

The maximum rate of withholding tax on interest and royalty payments is generally capped at 10 per cent under each of the seven treaties being implemented.

Having said that, many of the treaties contain an exemption or preferred withholding tax rate for royalties paid in respect of the use, or right to use, certain copyright royalties, computer software, patents and know-how.

As far as periodic pension payments are concerned, the maximum rate of withholding tax that can be levied is set at 15 per cent in all the countries except in the case of Belgium and the United Arab Emirates, where no cap has been established.

[English]

In addition to the provisions limiting the amount of withholding tax that can be levied on payments made to non-residents, the treaties also implement other measures that ensure the tax consequences of certain transactions are in line with Canadian tax policy. While time does not permit me to review all of these measures today, I should like to take a moment to discuss the issues related to Canada's taxpayer migration rules. Let me provide some background.

The concept that Canada should tax individuals on all their capital gains that accrue while they live here has been part of Canada's tax policy since 1972, when capital gains first became taxable under the Income Tax Act. Since then, special rules have applied to people who become or cease to be resident in Canada.

The basic rule on emigration is that individuals leaving Canada are treated as having disposed of all their properties before changing residence with the result that any latent gains or losses are realized. The general effect is, therefore, that an emigrant is taxed on gains that accrued while a resident of Canada, regardless of whether the property to which those gains relate is disposed of before or after the point of emigration.

For many years, there were questions about the exact scope of this deemed disposition on departure from Canada and how it affected our international tax treaties. However, Canada now wishes to retain the exclusive right to tax departing residents on gains that accrue during the period they lived in Canada. All of the seven tax treaties contained in this bill are especially supportive of this approach in that they confer to Canada the exclusive right to tax gains that accrued while the individuals are residents of Canada.

[Translation]

Honourable senators, this bill contains forward-thinking measures that will promote trade and investment and provide taxpayers with more certain and equitable tax results in their cross-border dealings.

All the treaties covered in this bill are part of Canada's larger efforts to build goodwill and create the conditions for growth that will make closer, more dynamic relations with our trading partners possible.

Again, meaningful benefits for taxpayers will result from the passage of this bill. First, taxpayers will benefit from knowing that a treaty rate of tax cannot be increased without substantial advance notice. Second, the mere existence of tax treaties will engender an atmosphere of certainty and stability for investors and traders. Third, by eliminating the need to pay tax on certain business profits and by providing a mechanism to settle problems encountered by taxpayers, both annoyance and complexity in the operation of the tax system itself will be reduced.

Those within the Canadian business community support the revision and expansion of our network of tax treaties. I am confident that they will welcome the opportunity to avail themselves of these seven new treaties.

The business community, particularly investors, will also welcome the limits that these treaties impose on each country's ability to tax certain income and the co-operation that will ensue between Canadian and other tax authorities.

Finally, and not to be forgotten, is the most important benefit to be derived from these treaties, which will be the elimination or alleviation of double taxation that might otherwise arise in international transactions with these countries.

Honourable senators, in light of the positive effects that will result from this bill, I urge you to pass the legislation without delay.

[English]

**Hon. A. Raynell Andreychuk:** Honourable senators, would the Honourable Senator Setlakwe entertain some questions?

**Senator Setlakwe:** Yes.

**Senator Andreychuk:** Honourable senators, I noted with interest the tax advantages both to Canadians and to the second country, but I was rather curious about Bill S-2 bringing together Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy. These countries have commonality within the world community, but they certainly have many marked differences. Why did the government or the department choose to bring these countries together, giving the impression that there is some similarity between these countries and, therefore, the tax systems that we should enter into with them?

**Senator Setlakwe:** Honourable senators, it was not the intention of the government to compare the regimes of these countries. The occasion arose for these treaties to be signed at the same time, and the government acted accordingly. There is no relation between the seven countries mentioned.

**Senator Andreychuk:** The Foreign Affairs Committee has studied previous legislation, and I hope it will have an opportunity to study this bill. While it is true that the essence of the bill is to afford both tax relief and tax liability at the same time and to bring some order to the relationships between the two countries, Bill S-2 also has a foreign policy impact and a human rights impact.

The Department of Foreign Affairs indicated to the Foreign Affairs Committee some time ago that it would be doing assessments regarding the appropriateness of Canada entering into agreements with some of these countries. Was such an assessment, from a foreign policy point of view, undertaken with these countries? Are we saying, therefore, that we believe these countries are stable enough and have a good governance scheme in place sufficient for us to feel confident that we should enter into tax arrangements with these governments?

**Senator Setlakwe:** Honourable senators, the government's position has always been that tax treaties and other economic relations are of a nature to improve human rights in all countries. If the end result is that relations between Canada and those countries we sign treaties with will develop the economic well-being of the countries, the position of the government is that this is something we should encourage and foster.



**Senator Andreychuk:** The Department of Foreign Affairs had indicated that it would be doing assessments on any country we enter into a treaty with to determine whether it is appropriate to do so from a foreign policy perspective, taking into account human rights and our relations overall. Were those studies actually undertaken?

**Senator Setlakwe:** I assume they have been.

**Senator Andreychuk:** Finally, the taxing authorities or personnel who came before our committees in the past also indicated and gave their assessments of various countries as to whether their taxation systems fit into a mould of government with which we are familiar.

• (1530)

When some businessmen see a double taxation agreement come into place, they presume that the information Canada gives to the other country will be treated in the same way as it is treated in Canada. Honourable senators, we know the information is not treated in confidence in the tax department. In certain other countries, the information is shared with police forces and with various government departments for other purposes. Canada is now undertaking to be absolutely certain that there is some minimal basis to believe that the kinds of taxation, processes and procedures that we are used to in Canada, and that have been adopted by OECD practices, et cetera, are the kinds of practices that other countries have in place for the benefit and the confidentiality of the businesses that operate in those countries.

**Senator Setlakwe:** Honourable senators, the government is well aware of the issues raised by the honourable senator. These issues are certainly on the minds of government members whenever they undertake these tax treaties with foreign nations.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, prior to proposing the motion to adjourn the debate in the name of Senator Lynch-Staunton, may I ask Senator Setlakwe what are some of the main differences in the agreement reached between the Government of Canada and Italy, and the agreement reached between the Government of Canada and Moldova?

**Senator Setlakwe:** Honourable senators, I will obtain and provide that information to the senator.

On motion of Senator Kinsella, for Senator Lynch-Staunton, debate adjourned.

[Translation]

## NATIONAL ACADIAN DAY BILL

### SECOND READING

**Hon. Gerald J. Comeau** moved the second reading of Bill S-5, respecting a National Acadian Day.—(Honourable Senator Comeau).

He said: Honourable senators, I shall be very brief, because I already gave a speech on this topic on February 19, 2002. I urge those honourable senators who may wish to do so to refer to the remarks I made at that time.

I wish, however, to emphasize a point raised by my colleagues across the way, who suggested that the name of the national Acadian day not be translated into English, but remain in the same language on both documents. I very much agree with this request.

But the Official Languages Act requires that translation be provided when a bill is introduced, and I am for upholding and complying with the Official Languages Act.

If the committee to which this bill is referred decides to reconsider this issue and have the national Acadian day referred to in French in both the French and the English versions of the act, this can be considered.

For the time being, in accordance with the provisions of the Official Languages Act, an official translation must be provided.

**The Hon. the Speaker:** It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that this bill be now read the second time. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs, if and when that committee is formed.

[English]

## COMMITTEE OF SELECTION

### SECOND REPORT OF COMMITTEE ADOPTED

On the Order:

The Senate proceeded to the consideration of the second report of the Senate Committee of Selection, presented in the Senate earlier this day.

**Hon. Bill Rompkey:** Honourable senators, I move the adoption of this report.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Lowell Murray:** Not before I have asked the chairman when we may expect a third report.

**The Hon. the Speaker:** Senator Rompkey, will you take a question?

**Senator Rompkey:** It depends on the question.

**Senator Murray:** I do not wish to prolong the debate, although I could. The committee has presented two reports. Both have met with the entire satisfaction of the chamber. However, two reports do not a full report make. A number of other committees have yet



to be established and so forth. Perhaps my friend can tell us what the meeting schedule of the Senate Committee on Selection is and whether the honourable senator would like to hazard a guess as to when we might have a final or further reports from the committee?

**Senator Rompkey:** Honourable senators, with regard to the last point, I cannot hazard a guess. I would say, to set the parameters, it would be a matter of days rather than weeks. However, there will be other reports. That is the good news.

We acted according to the instructions that we had on Thursday. If honourable senators recall, the instructions that we had on Thursday were that we deal with the Speaker *pro tempore* and the Standing Senate Committee on Social Affairs, Science and Technology. That was the guidance we were given. We did that today. We adjourned to the call of the Chair and, as soon as agreements have been reached, we will meet again.

**The Hon. the Speaker:** Is the house ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1540)

### QUESTION OF PRIVILEGE

**Hon. Anne C. Cools:** Honourable senators, I rise to speak to my Question of Privilege as per my earlier notices this day.

Before I move into the substance of my comments, I should like to take one brief moment to welcome Her Majesty Queen Elizabeth II to Canada.

**Hon. Senators:** Hear, hear!

**Senator Cools:** I welcome her. I am sure many of us feel this way. It is quite evident to me that Canadians are relishing in her visit.

Honourable senators, it shall be my intention as I speak to ask His Honour, the Speaker of the Senate, to make a *prima facie* finding of a breach of privilege. If he so finds and he accords this question priority, I shall, pursuant to rule 43(1), propose a remedy and begin a substantive debate on my proposed remedy. It will be very interesting, as in this particular matter before us the Senate Speaker will have an additional role other than just occupying the Chair, since he is the Queen's representative in this chamber and he himself has a duty to uphold and defend Her Majesty. Just as he is the Queen's representative in this chamber, so, too, is the Black Rod the Queen's own personal messenger.

Honourable senators, the facts are as follows. Her Majesty Queen Elizabeth II arrived in Canada on Friday, October 4, 2002, to celebrate with Canadians the 50th anniversary of her accession to the Throne, a historic achievement styled the Golden Jubilee.

That very same day, in Montreal at McGill University, Mr. John Manley, the Deputy Prime Minister and the high Minister of Finance, said, and was reported on October 5, 2002, in the *National Post*, on the front page, A1, in an article headlined "Manley calls for end of monarchy," the following:

It is not necessary, I think, for Canada to continue with the monarchy. ...personally, I would prefer it if we could have a uniquely Canadian institution after Queen Elizabeth.

It would appear that the only thing un-Canadian about that is Mr. Manley's misunderstanding of Canadians, their peculiar history and attachments.

He also said, as reported in an *Ottawa Citizen* article of Sunday, October 6, 2002, headlined "Manley's anti-monarchist views 'rude,'" the following:

I continue to think that for Canada after Queen Elizabeth it should be time to consider a different institution for us, and personally I would prefer a wholly Canadian institution.

The *Ottawa Citizen* further reported that

Mr. Manley mused that Canada's new head of state could be a "Canadian as a king or queen" and suggested it could be someone along the lines of Quebec pop diva Céline Dion.

I find it fascinating that Mr. Manley is a queenmaker.

Honourable senators, Mr. Manley's statements are odious. They are odious personally, politically and in a parliamentary way. They are offensive to Her Majesty Queen Elizabeth II. Odious and offensive statements about the sovereign have always been treated as serious and grievous matters. As a matter of fact, they have been treated as treason. I note that Minister Manley has on two previous occasions made similar statements, very publicly, one being in September 1997, around the time of the death of Diana, Princess of Wales, and the other being in May 2001, around Victoria Day. There can be no mistake about what he meant because of the repetition, and his timing also seems to be strategic. There is no evidence that has been put before us that these are misspeaks. I have objected privately in Senate caucus and other places on both of those occasions. I feel that I must break my silence today. Mr. Manley has now set new and novel situations called personal opinions, so I shall give my personal opinion as I go along as well. If it is good for the gander, it is good for the goose.

Honourable senators, the media coverage has been extensive and enormous and negative, as has been the public reaction. However, the media has treated this matter as a question of poor, impolite, uncivil, boorish and rude behaviour, dwelling on personal elements rather than on the larger constitutional elements.

Honourable senators, I shall show that not only are Minister Manley's statements unconstitutional, but also they are a constitutional corruption and constitutionally unethical.

Mr. Manley's statements are an affront to Parliament and its privileges as it is an assault on his own duty of allegiance to Her Majesty and an assault on his oath of allegiance itself. Honourable senators, our Oath of Allegiance is part of the law of this land, inserted expressly in the BNA Act. A minister's first

duty is to uphold the law, the Constitution and the Sovereign in whose name all of government is conducted. Every prosecution in the country is conducted in the name of Her Majesty. All the power of the executive is vested in Her Majesty.

The Constitution Act, the BNA Act, 1867, lays out the law of allegiance for members of Parliament. This is what it was called — the law of allegiance. Section 128 of the BNA Act reads in part as follows:

Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him...the Oath of Allegiance contained in the Fifth Schedule to this Act;

The Constitution Act itself, the same BNA Act, 1867, lays out the form of the Oath of Allegiance in the Fifth Schedule. The oath of allegiance — and we have all taken it on entering this chamber — reads in part:

I...do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen...

— and obviously the name of the current sovereign is inserted.

Honourable senators may not know this, but on the demise of a king or a queen, all members of Parliament are compelled to take a new Oath of Allegiance. That is why there is no reference to "heirs and successors" in our oath. It is part of the law of parliament and is the prerogative of these two sets of law that come together.

Honourable senators, we must remember what an oath is. An oath, after all, is a very important and solemn declaration of a set of facts made by the invocation of one's own deity. It is very important. It is a very solemn matter.

Honourable senators, I come to the whole question of Parliament. There seems to be a significant amount of confusion these days as to what a Parliament is. Again, we can look to the Constitution. The BNA Act, 1867, section 17, states:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Let us understand that those words in the BNA Act were very carefully chosen: "One Parliament." There was a significant amount of concern at the time in Canada as to the differences between legislatures and parliaments, and the legislative assemblies and parliaments. Honourable senators will find that phrase, "one," as in Parliament, recurring throughout the BNA Act.

What that provision of the BNA Act tells us is that Her Majesty is not only Canadian but is a member of Parliament, and not only a member of Parliament but is herself one of the three constituent parts, constituent estates, of Parliament.

Honourable senators, an attack on or dishonour of the Queen is an attack on or dishonour of Parliament. To dishonour the Queen is to dishonour Parliament.

Honourable senators, I should like to read from the proclamation as printed in the *Canada Gazette* on February 9, 1952, announcing the death of His Majesty, King George VI, and proclaiming the accession of the then Royal Princess Elizabeth. I ask honourable senators to pay careful attention to the words in the proclamation that assert the unanimity of cabinet and Privy Council to their allegiance to Her Majesty Queen Elizabeth II. Remember, honourable senators, the word "allegiance" is taken from "liege," which is the lord or lady person to whom one grants loyalty. There is much written on the law of allegiance.

• (1550)

Honourable senators should know that this proclamation was made by the administrator, the Chief Justice of Canada at the time. The proclamation reads, in part:

Now Know Ye that I, the said Right Honourable Thibaudeau Rinfret, Administrator of Canada as aforesaid, assisted by Her Majesty's Privy Council for Canada, do now hereby with one voice and consent of tongue and heart publish and proclaim that the High and Mighty Princess Elizabeth Alexandra Mary is now by the death of Our late Sovereign of happy and glorious memory become our only lawful and rightful Liege Lady Elizabeth the Second by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas QUEEN, Defender of the Faith, Supreme Liege Lady in and over Canada, to whom we acknowledge all faith and constant obedience with all hearty and humble affection, beseeching God by whom all Kings and Queens do reign to bless the Royal Princess Elizabeth the Second with long and happy years to reign over us.

Honourable senators, we all know of the principle of the unanimity and solidarity of cabinet. Cabinet speaks with one voice, although this cabinet seems to have many voices. We will come to that in a moment.

I would repeat the words contained in the proclamation:

...assisted by Her Majesty's Privy Council for Canada, do now hereby with one voice and consent of tongue and heart publish and proclaim ...

Honourable senators, it is that one voice about which I wish to speak. The business of cabinet speaking and acting with one heart and one voice is a very important matter.

I made it my business to seek out authorities on the issue of the role and responsibility of ministers to cabinet, to Her Majesty and to Parliament; in particular, the principles that guide what we call "cabinet unity." I shall read to honourable senators what I found in order that we will understand the seriousness of the situation and that these statements are not simply trivia.



I turn to Alpheus Todd, in particular his 1892 work, *Parliamentary Government in England: Its Origin, Development, and Practical Operation* on the question of cabinet acting as one. This is what he wrote:

In parliament the ministers are bound to act as one man on all questions relating to the executive government. If one of them dissents from the rest on a question too important to admit of compromise, it is his duty to retire.

Is that not a novel thought?

On page 12 Mr. Todd wrote:

Differences of opinion will naturally and unavoidably occur between cabinet ministers, but the vote once taken, and the question decided, every member of the cabinet becomes equally responsible for the decision, and is equally bound to support and defend it. In case of irreconcilable differences with any of his colleagues, the premier may require their resignation or a dissolution of the cabinet.

I looked to the authorities. This is a serious matter. One of these authorities Alpheus Todd has informed us that, in the case of irreconcilable differences with any of his colleagues, the premier may require their resignation or a dissolution of the cabinet, so let us understand that what we are talking about here is a very serious matter because this is the kind of issue that could bring a government down. It is a very serious matter and we should be debating it.

At page 78 Todd wrote:

It is not, therefore, allowable for a cabinet minister to oppose the measures of government;.... A minister who infringes any one of these rules is bound to tender his immediate resignation of office.

Honourable senators, Her Majesty is in this country at the invitation of the Prime Minister and the Government of Canada. That invitation would have been duly and properly executed and it was the duty of Minister Manley to support that invitation. It was the duty of the government, if Mr. Manley was going to make such a statement, to advise Her Majesty that something like that would happen, because Her Majesty should come to this country well informed of what to expect from Her ministers.

I should like to put one other statement from Mr. Todd on the record. He stated as follows:

In all his communications with the sovereign, the prime minister is bound to afford the most frank and explicit information in regard to measures agreed upon by the cabinet, and submitted for the royal sanction, for it is a maxim of constitutional law, that "the king is not to be deceived as to the character of the act which he performs."

I am very well aware that some people view these principles as mere poetry today, but I am not one of those people. I take these maxims and principles very seriously. Honourable senators, many years ago, I walked into this chamber and took an oath. I took it very seriously then and still take it very seriously now.

Honourable senators, I raise this matter because it is painfully manifest that statements such as these by Ministers of the Crown are a direct attack on the Prime Minister and on the Office of the Prime Minister. They have the result of undermining the Prime Minister, both at home and abroad.

It is clear that such statements rob the Prime Minister of his moral authority to lead, and that such statements consistently deprive the Prime Minister of the affection and trust of Canadians and even of his own caucus members. Such statements place the Prime Minister on perilous ground. Mr. Manley's statements are a great travesty and a terrible injury to Parliament, to the Prime Minister and to the Senate.

In addition, I am told that such statements are tainting Canada's international reputation. We do not know what the next few weeks will hold, but I think it is fitting that, when a question such as this is occupying every journalist and commentator across the nation for hours and hours, the Senate of Canada should give it some time.

Mr. Manley is not just an ordinary minister; he is not just the Deputy Prime Minister. Mr. Manley is what is called a "high minister." Mr. Manley, after all, is in control of the finances of the nation. He is, in Canada, what in England they call the Chancellor of the Exchequer. He is a very high minister and it is on such questions as those that governments look to Parliament for support and confidence.

Honourable senators, in my personal opinion, it seems to me that Mr. Manley is an honourable man. He, like us, has a title. That title is "the honourable." I sincerely think that Mr. Manley should do the honourable thing and relieve the Prime Minister of the onerous task of defending him, because it is a defence of the indefensible.

Mr. Manley's statements have been especially shabby, and such shabbiness is unworthy of Parliament and of a minister of the Crown, particularly the Deputy Prime Minister or the Minister of Finance. He has breached my privileges and those of the Senate and Parliament. By making such public statements as he has, he is calling into question my oath of allegiance, that of a Liberal senator and a government supporter. He has dishonoured my oath as he has his own and indeed as he has dishonoured all our oaths. I am called "The Honourable" because of my Oath of Allegiance. This title is conferred on me because of the duty of allegiance.

• (1600)

Honourable senators, Mr. Manley has breached my privileges because he expects me, as a government supporter, to uphold him and what he has done. I cannot do that, I will not do that and I will not defend that. As a matter of fact, I condemn that.

Honourable senators, I propose to ask His Honour to rule that there is a prima facie case in respect of my question of privilege. If His Honour so rules, I am prepared to put forth the following motion:



That the Senate of Canada expresses its affection and support for Her Majesty Queen Elizabeth II and heartily welcomes her in this the year of her Golden Jubilee, and further, that the Senate of Canada respectfully urge that Mr. John Manley, the Deputy Prime Minister and Minister of Finance, should voluntarily excuse himself from accompanying Her Majesty the Queen here in Ottawa over the next few days, therein to allow another Privy Councillor to have that unique and distinguished honour of accompanying and escorting Her Majesty, the Queen of Canada, during her visit.

Honourable senators, we should understand clearly what a "privilege" is. There is much confusion over the meaning of "privilege," which is not a "right."

**Senator LaPierre:** We are not confused.

**Senator Cools:** Privileges are not rights; privileges are acquired. They were claimed by Parliament from the King from the Royal Prerogative. When the Queen exercises that set of laws, it is called "prerogative." When members of Parliament acquired the many powers that we now know were a result of many bloody battles, the name "prerogative" was changed to "privileges." Kings and Queens have the Law of Prerogative and Parliament has privileges and the law and custom of Parliament.

Honourable senators, this is a serious matter. I have received many representations from across this country. People are hurt and distressed. Mr. Manley has been quite fortunate in that we are now in a stage of our history when even the language of Parliament is so arcane and cryptic to the average person that the average person can no longer converse in the language of Parliament.

However, the fact remains that what has happened is an enormous breach of the Constitution. It is not good enough to say that it is simply a personal opinion because a cabinet minister, when speaking publicly, can have no personal opinion. Any public utterance from a minister must adhere to the principle that cabinet speaks with one voice.

**The Hon. the Speaker:** Honourable senators, is there further intervention on this matter of privilege?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, often the principle that would best guide one is the principle of custody of the tongue. Under the circumstances of the current visit to Canada by Her Majesty, I would prefer to comment on the issue that has been raised and the substance and the circumstances about which we have heard. I am certain that His Honour will attend to the matter of the definition of "privilege." However, had Deputy Prime Minister Manley exercised that principle of custody of the tongue, the embarrassment that surrounds this matter would not be the subject of discussion today.

[Translation]

**Hon. Laurier L. Lapierre:** Honourable senators, it is not my intention today to speak about my support for the monarchy. There is no way I want my comments taken in that way.

[Senator Cools]

[English]

I am only concerned about the question of privilege and the rights and honour of Parliament. I rather like to think that the breach of my rights as an honourable member of the Senate and of Parliament is the notice of the question of privilege brought forth by the Honourable Senator Cools. If one reads it carefully, one finds that it is full of inaccuracies. It is essentially demonstrated as a plot on her part to be able to assassinate the Deputy Prime Minister and, in fact, even the Prime Minister.

Mr. Manley never said, in his remarks, that he wanted the overthrow of the monarchy in Canada. "Overthrow" is a violent word that demands a revolution. He never used such a word in any way, shape or form. We are now being asked to condemn him for words that he has not used. He did not ask that the Queen be ousted from the Constitution of Canada. He merely suggested that, in his personal view, he would prefer that Canada's head of state be a Canadian, which is conceivable, although I agree that his comment was inappropriate.

[Translation]

However, to impugn his motives in an attempt to justify points raised in this Chamber, and badly at that, strikes me as —

[English]

— a greater breach of the privileges of the members of this house. The honourable senator has accused a member of Her Majesty's government and a privy councillor of preaching revolution and a violent overthrow of the Constitution of Canada. This accusation is irresponsible, reprehensible and is not befitting a person who claims to be honourable from morning 'til night. Consequently, I suggest that there is no question of privilege in this matter. All we have is a person who is bitter about something and who wishes to attack wherever she may and find the reason wherever she may to pursue her course of action.

**Senator Cools:** Honourable senators, I am sorry but Senator LaPierre is out of order. This is improper.

**The Hon. the Speaker:** May I remind honourable senators of the provision of rule 51 of the *Rules of the Senate*: "All personal, sharp or taxing speeches are forbidden." We should keep that rule in mind when we are discussing the matter of privilege raised by Senator Cools. I would remind honourable senators that I am interested in hearing why this is or this is not a question of privilege. I would ask honourable senators to refrain from debate and refrain from toing and froing on an issue in a manner that does not address the only question before us: Are the privileges of senators breached in the manner suggested by Senator Cools in her notice and in her speech?

**Senator LaPierre:** Honourable senators, I apologize for breaching the rule. However, I believe the honourable senator has not presented a prima facie case for the reasons that I have stated. In the final analysis, the statements that purport to determine a prima facie case bear no reality to what happened and to what was said.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I merely want to clarify certain points. I do not believe that the honourable minister was speaking on behalf of the government and his colleagues in cabinet. It is clear — and this must be clearly understood — that this comment was quite simply the expression of a personal opinion. I do not see any indication that the honourable minister said he was speaking on behalf of the government.

[English]

**Hon. Lowell Murray:** Honourable senators, I would hope that His Honour would consider one aspect of the matter to which Senator Cools alluded, and it is this: The convention of cabinet solidarity does not exist, as some would suppose, only to spare ministers and their political parties and friends some embarrassment. It is an essential part of the system of responsible government and of parliamentary democracy. It seems to me to be offensive to the rights of parliamentarians, who are supposed to hold the government accountable, if the system of cabinet solidarity breaks down.

I am astonished that the most experienced parliamentarian in the government, namely, Mr. Chrétien himself, seems to be so sanguine about the idea that a minister can express a personal view on a constitutional issue without regard to the views of the government, whatever those views may be. In the words of the old question “Where will it all end?”, if ministers are to be free to express personal views on all matters under our Constitution, whether about the Charter, the division of powers or our symbols and institutions, then I believe it is offensive to the rights of parliamentarians who are charged with the responsibility of holding the government accountable.

**Senator Cools:** Honourable senators, I should like to respond briefly and to add to something that Senator Murray said. We are all limited in time, of course, but in our system of responsible government, the Queen in Council and the Queen in Parliament, there is no such thing as a minister having a personal view that is expressed in a public manner on major constitutional questions, particularly at such a sensitive moment. I think the “personal view” explanation is no explanation at all. A misspeak or thoughtlessness might have been a better explanation, but it cannot be either of those, because obviously this statement has been made on many occasions.

In closing, I should like to say, for example, that my personal opinion is that Mr. Manley should have resigned to clear the air. Then, in a few weeks’ time, Mr. Chrétien could have received him back into the cabinet. This is how responsible government usually works.

I should like to say that personal views are no justification or no excuse for what has happened because, in point of fact, in matters of state, articulated publicly, ministers have no private or personal views.

Second, I will, for the most part, ignore most of Senator LaPierre’s insulting and inflammatory remarks about me. His constant attack on me is something that is becoming increasingly boring and tedious.

I should like to say, Your Honour, that the word “oust” is very much a part of parliamentary language. It is often used, for example, as parliaments may oust a law or oust a view. That is very well known in parliamentary language, as is the term “overthrow.”

To be crystal clear, I never said anything about a violent overthrow. I think the senator’s imagination is running wild, as it tends to do. Let me tell the honourable senator that parliaments and governments overthrow ideas and laws all the time. As a matter of fact, I believe a text was written about Mr. Brian Mulroney, which is called something like *The Government That Overthrew Canada*. The words “overthrow” and “oust” are perfectly legitimate and beautiful words, and I invite the senator to use them.

**Senator LaPierre:** We will oust you!

**The Hon. the Speaker:** I wish to thank honourable senators for their input on this matter. I will take the input under consideration and report back at the earliest time that I can.

## SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

### MOTION—DEBATE ADJOURNED

**Hon. Douglas Roche,** pursuant to notice of October 2, 2002, moved:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.

He said: Honourable senators, Canada cannot escape the serious consequences of a war with Iraq. It is in Canada’s direct interest to work to stop it.

The purpose of this motion is to give strength and encouragement to the Canadian government to uphold the principles of the United Nations in the present crisis between Iraq and the United States.

On behalf of the many Canadians who have contacted me, on behalf of the over 100 distinguished Canadians who have said in their published statements that it is time to move beyond war, on behalf of the UN values that infuse Canadian foreign policy, I say to the Canadian government: Go on the offensive for peace! Stand up in the international community and provide an alternate beat to the drums of war.

This moment the world is passing through, while the United States prepares for war against Iraq, is the most dangerous since the end of the Cold War. The prosecution of all-out war against Iraq, even if the U.S. is joined by a few allies, threatens to cause chaos in the region, undermine international law and set back efforts to control the spread of weapons of mass destruction.



Let me say at the outset that I am repelled by the regime of Saddam Hussein. It has a repugnant record of human rights violations, aggression and development of weapons of mass destruction. It is this last charge that brings us to the brink of war today.

• (1620)

The international community has been crystal clear: Saddam Hussein must cooperate with UN weapons inspectors to verify that Iraq does not possess weapons of mass destruction. The UN Security Council is now wrestling with a resolution that would again mandate such inspections. Because the resolution could authorize military action if Iraq does not comply, great care must be taken to ensure that the resolution is fair and does not impose conditions that are impossible to fulfil, and thus invent conditions for war.

This situation is especially difficult for Canada because of our close relationship with the United States. Naturally, Canada wants to have the best of relations with the U.S., but that does not mean that our country must fall into lockstep with the U.S. administration's present drive towards warfare. U.S. policy, now being built on the illegal basis of pre-emptive attacks and suddenly replacing the policy of containment that endured for decades, is terribly wrong. The U.S. cannot take the law into its own hands. Neither does it have the moral right to bully the UN Security Council into passing a resolution that lowers the bar against legal military action. President Bush's speech last night, goading the American people and legislators to support war, is an irresponsible act of leadership. Congress certainly should not be rushing a war resolution through on the eve of an election.

This is the message being conveyed by distinguished American leaders such as former President Jimmy Carter, former Vice-President Al Gore, Senator Ted Kennedy and several other U.S. senators. It is the message contained in the statement of conscience called "Not In Our Name," signed by 4,000 leaders in many fields who wrote:

Let it not be said that people in the United States did nothing when their government declared a war without limit and instituted stark new measures of repression.

It is the message contained in numerous statements by American religious leaders, all criticizing an American pre-emptive strike against Iraq. European leaders are also protesting against pre-emptive warfare. Therefore, Canada ought not be shy about speaking out against any U.S. contravention of international law.

The fact that Iraq has used weapons of mass destruction in the past heightens our concern and compels an international response. However, as UN Secretary General Kofi Annan reminds us, the nature of this response must both conform to international law and demonstrate consistency. It is not only Iraq that has ignored U.S. resolutions in the past, so have Israel and the U.S. itself. The U.S. claim that Iraq is in material breach of its 1991 ceasefire obligations, thus permitting military action, is not convincing.

To save future generations from the scourge of war, the United Nations purposely raised the bar with regard to the use of force. Under article 51 of the UN Charter, there are only two circumstances in which the use of force is permissible. First, in collective or individual self-defence against an actual or imminent armed attack and second, when the UN Security Council has directed or authorized the use of force to maintain or restore international peace and security. Absent one of these conditions, the use of force is unlawful.

The basic law regarding self-defence in the present crisis between the U.S. and Iraq is straightforward. Iraq has not attacked any state, nor is there any indication that an Iraqi attack is imminent. Self-defence does not justify the use of force against Iraq by the U.S. or by any other state, and there is no basis for dramatically expanding the concept of self-defence as advocated in the Bush Administration's September 2002 national security strategy, calling for preventive strikes against states based on potential threats.

The only legal basis for a U.S. attack on Iraq would be if a UN Security Council directs or authorizes force to restore or maintain international peace and security pursuant to its responsibilities under chapter 7 of the UN charter. This was the case with resolution 678 in 1990, which authorized all necessary means to eject Iraq from Kuwait, as well as with similar resolutions regarding Korea in 1950 and more recently in Somalia, Haiti, Rwanda and Bosnia. In all these cases, the Security Council responded to actual invasion, large-scale violence or humanitarian emergency, not to potential threats. It follows, then, that there is no precedent for the UN Security Council to authorize the use of force in the present circumstances.

The fact is, since its invasion of Kuwait in 1990, Iraq has not threatened any neighbour and certainly not the U.S. The so-called "Blair dossier," in which U.K. Prime Minister Tony Blair presented an assortment of criticisms of Iraq, did not contain proof that Iraq is mounting weapons of mass destruction and planning to use them in an imminent attack. Iraq's armed forces are at barely one third of their pre-Gulf War strength. Military spending in that country is barely one third of what it was in the 1980s. The UN Special Commission on Iraq estimates that at least 95 per cent of Iraq's chemical weapons program has been destroyed. The U.S. State Department's own study, called "Patterns of Global Terrorism," could not list any serious acts of international terrorism connected to the government of Iraq.

It is said that because of the terrorist attacks of September 11, the war against terrorism must be prosecuted worldwide but, honourable senators, starting wars will not contain terrorism. In the short term, we must work through the United Nations to strengthen the international legal machinery on terrorism. There is still much work to be done to ensure that all states are party to the international treaty framework dealing with terrorism and in ensuring that states take adequate measures to implement their obligations under these treaties within their domestic jurisdictions.



In the longer term, only the full-scale resources of the world directed towards ensuring an equitable distribution of the resources of the planet, in order that the vicious cycles of poverty in the world can be broken, will stamp out the breeding grounds of terrorism. These goals cannot be achieved by bombing, but by the painstaking work of building architectures of law and social justice. Law and social justice are sorely lacking in Afghanistan today and show once again the tragedy of war. Despite promises from the U.S. and the U.K. to help rebuild that country, Afghanistan today is starved for funds and teeters on the brink of slipping back into chaos — one more tragic result of war.

The U.S. has put nothing in its budget for 2003 for rebuilding Afghanistan, and I am sorry to say that Canada has only committed to one year of funding. In fact, reconstruction aid to Afghanistan is a fraction of that provided to East Timor, Rwanda and Bosnia, even though the Afghan government must find a way out of the cumulative effects of 20 years of war.

Honourable senators, it is said by the U.S. that there must be a regime change in Iraq. Of what value is it to expand the campaign into Iraq if it means leaving an environment behind in Afghanistan that still nurtures and supports the kind of radical movements that culminate in terrorism? For the U.S. to create the impression that it will dictate the kind of leader who is acceptable, will validate the arguments of al-Qaeda and its associated terrorist groups that the U.S. is engaged in direct regional control. As for getting rid of Iraq's alleged weapons of mass destruction, a pre-emptive war may even invite their use as Saddam Hussein finds himself backed into a corner. A cauldron may well emerge from a pre-emptive strike. As the Arab foreign ministers put it, a U.S. invasion of Iraq would "open the gates of hell."

• (1630)

War against Iraq just to satisfy the thirst for vengeance by an administration driven by zealotry would wreak havoc on the defenceless people of Iraq who have suffered enormously from economic sanctions for a decade. It will be impossible to spare the Iraqi civilian population catastrophic damage from concentrated bombing raids. The destruction of the power and transport infrastructure would be severely damaging, not least in terms of water supplies, sewage treatment, food distribution and health services.

To forestall such grave consequences and to help the U.S. respond to its own security concerns without warfare, Canada must take a courageous stand for peace. Prime Minister Chrétien and Foreign Minister Graham should be commended for the diplomatic steps they have taken so far.

However, more must be done in this hour of danger. The authority of the UN must be shored up. Canada should call for an open meeting of the Security Council so that our nation's voice, and others, can be heard. Compliance with treaties to reduce and ban weapons of mass destruction must be assured. A comprehensive solution for peace in the Middle East is vital. The people of Iraq must be treated fairly so they can get enough food, medicine and the necessities of life.

Canada, in short, must work for justice and peace in the Iraq situation. War is not the answer.

**Hon. Jeremiah S. Grafstein:** Would the honourable senator allow a question or two?

**Senator Roche:** Yes.

**The Hon. the Speaker pro tempore:** I regret to inform the honourable senator that his time has expired. Is leave requested to continue?

**Senator Roche:** If the honourable senator wishes to ask questions, that is fine with me.

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am prepared to give consent for two questions, quite simply so as to limit the debate. Perhaps, after adjournment, others can speak on another occasion.

**Hon. Eymard G. Corbin:** Honourable senators, I would like a clarification. Did the Deputy Leader of the Government say two questions or two senators?

**Senator Robichaud:** Two questions.

[English]

**Senator Grafstein:** Honourable senators, I will try to limit myself to one question. It is hard to do, but I will.

The honourable senator's argument has been directed overwhelmingly to the United States. He has failed to respond to the position taken by our staunchest colleague in the Commonwealth, Mr. Blair, and the Australian government. These two member states of the Commonwealth have staunchly supported the American position. The honourable senator has referred to them as "a few allies."

Could the honourable senator tell me whether Mr. Blair and the Prime Minister of Australia have supported America because of their thirst for vengeance?

**Senator Roche:** I did refer specifically to the Blair government in the dossier that the Right Honourable Tony Blair presented to the House of Commons in the United Kingdom. Following my review of that dossier, I provided my opinion that that document did not present any incontrovertible evidence or even any real evidence that Iraq is in possession of or is in the act of acquiring weapons of mass destruction following the last round of UN inspections.

Furthermore, I call to the attention of the honourable senator the words yesterday of the British Attorney General, supported by the Solicitor General, that any act of war in Iraq for the purpose of regime change would be illegal.

With respect to Australia, their position all along has been the same general position as that of the United Kingdom.

I do not believe that those two countries are acting with any sort of vengeance. However, they are acting in a manner in which they are falling into lockstep with the policies of the United States.

I have just returned from New York, having spent five days at the United Nations, where I held many interviews with representatives of various countries. I can assure the honourable senator that there is deep concern by not only the international community located at the United Nations but by increasing numbers of American citizens who are calling into question this rush to war by their own government.

**Hon. Tommy Banks:** Honourable senators, I admonish us all to take into account the comments of my distinguished colleague from Alberta. I expect he knows more about this issue than most of us. He has devoted a large part of his life to the interests of peace in the world. He has been assiduous and unflagging in pursuing that interest as he sees it.

I have two questions.

**Senator Stollery:** One!

**Senator Banks:** Senator Corbin was very clear.

Will the honourable senator be here tomorrow, in which case I will take adjournment of the debate and ask my questions tomorrow. Is that in order?

**Senator Roche:** Your Honour, my answer is yes. I plan to be here tomorrow and the next day. I would be happy to engage in debate with the honourable senator and other honourable senators.

On motion of Senator Banks, debate adjourned.

[Translation]

## THE SENATE

### ALLOTMENT OF TIME FOR TRIBUTES— MOTION—DEBATE ADJOURNED

**Hon. Jean Lapointe,** pursuant to notice of October 2, 2002, moved:

That rule 22 of the *Rules of the Senate* be amended by adding, after subsection (9), the following:

“Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of “Senators’ Statements” shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

[ Senator Roche ]

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading “Tributes” in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators.”.

He said: Honourable senators, I will be very brief. Today, I draw your attention to the thirteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament on the issue of time allotted to tributes in the Senate, which was presented in the Senate by the Honourable Jack Austin, on May 2.

• (1640)

The committee examined the issue in depth and came up with a solution that seems quite satisfactory to me. By amending rule 22 of the *Rules of the Senate*, as suggested by the committee, it goes without saying that the amount of time lost due to excessively long tributes would be greatly reduced. As a result, the Senate will be able to devote more time to debating issues that, let us be perfectly candid, are much more important to the constituents we represent.

Honourable senators, many of you stated unanimously that you supported such a change to the *Rules of the Senate*. For this reason, I ask you to support this motion.

[English]

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

**Hon. Herbert O. Sparrow:** I have a question for the honourable senator pertaining to his motion. I assume that this matter would have to be referred to the committee for review and a report back to the house.



As well, perhaps the honourable senator could explain to me the reference to "wasted time." When we pay tribute to people who have contributed to this country as much as some of the senators have, I cannot understand why the phrase "wasted time" would be used.

The motion mentions time limits and states:

The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes...

Fifteen minutes are allowed in total. How would His Honour know how many senators wish to speak? Can he limit the time to a minute and one-half or two minutes or the three minutes mentioned in the motion? What if ten senators wish to speak for three minutes? Do we cut down the time for each speaker?

The honourable senator is asking the Senate to set a serious precedent in not allowing unanimous consent on an issue that comes before the house. We have always, in the rules, agreed that unanimous consent is allowed. The honourable senator's motion and the committee report suggest taking away from the rights of the Senate to have unanimous consent.

We have unanimous consent provisions in our rules. There should be unanimous consent before we change rule 22. I appreciate that when the committee reported in the previous session, they used the same expression that unanimous consent would not be a factor. If we approve this motion, we are taking away the right the Senate has enjoyed ever since Confederation, and we must look at that very closely.

[Translation]

**Senator Lapointe:** Honourable senators, let me point out that I was never against unanimous consent. If the Senate gives unanimous consent that everyone speak and that it takes four and a half hours, then that is not my problem. I simply want to point out that I never suggested a time limit for anyone. This issue was referred to a committee.

I shall explain why I reacted. On two occasions, I was present for tributes that lasted more than one hour. In one of the cases, the person honoured did not want to have tributes paid to him. This person was honoured for one hour and twenty minutes. So, do not tell me that it is not a waste of time paying tribute to someone who did not want tributes. When we come to the end of the day and much more important items are put off because the time allotted for tributes was too long, I am sorry to say, honourable senators, that my opinion is the complete opposite of the honourable senator's.

[English]

**Senator Sparrow:** The honourable senator is suggesting that it is not his decision or recommendation that unanimous consent be taken away. However, that is exactly what his motion states.

Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

If that is not a limitation, I am not sure what it is. These are the honourable senator's words, not mine, in the motion presented to this house.

I think the honourable senator said that he was tired of speeches, tributes that went on well over an hour and one-half, or something of that nature. If I may draw to the attention of the honourable senator, being that Senator Lapointe is a new senator and perhaps is trying to change the rules, but in the last session of Parliament only one tribute went over an hour and one-half. It was 92 minutes long. Those tributes were for Senator Molgat, who was our Speaker at the time. Many honourable senators wished to pay tribute to him and explain to the new senators and to the public of the great job that was performed by this senator for all Canadians.

**Hon. Senators:** Hear, hear!

**Senator Sparrow:** Allow me to review the time spent paying tribute to colleagues in the last session of Parliament: Squires, 18 minutes; Perrault, 60 minutes; McElman, 22 minutes; Godfrey, 20 minutes; Lavoie-Roux, 27 minutes; Cohen, 63 minutes; DeWare, 55 minutes; Simard, 46 minutes; Guay, 17 minutes; Buckwold, 15 minutes; Mercier, 57 minutes; Chaput-Rolland, 52 minutes; Finestone, 67 minutes; Macquarrie, 36 minutes; Poirier, 10 minutes; Olson, 38 minutes; MacDonald, 25 minutes; Wilson, 20 minutes; Lapointe, 14 minutes; and Tunney, 20 minutes.

After hearing that, does my honourable friend believe that those senators are not allowed or not permitted to have tributes made to them by current senators who want to bring to the attention of new senators and the public the great service that these people have given to Canadians? That is what we are cutting off.

I have been in this place a long time. I have only spoken once on a tribute in that period of time, so I am not talking about myself. There have been many valuable interventions. Those interventions have been good for all honourable senators to realize what a senator can do, and particularly for new senators. It should be very valuable to them to know what senators do in this chamber and do for their country. It is important that this message be made.

If I do not wish to listen to a tribute, honourable senators, I can leave the chamber. In the period of time that I have been here, tributes have never interfered with government business. The government business has always taken place and has always been handled effectively. Senators who do not wish to partake in those tributes are entitled to leave.

• (1650)

I wish to point out that the honourable senator, was not here a number of times when those tributes were made since he was appointed to this chamber —

**Hon. Bill Rompkey:** On a point of order, in this chamber we do not normally refer to the presence or otherwise of individual senators. I would ask the honourable senator to bear that in mind. He should withdraw those remarks from the record.



**The Hon. the Speaker pro tempore:** Your point is well taken.

**Senator Sparrow:** I shall not refer to attendance again. I explained that there are many times when a senator is not here for tributes. We are not here all the time. Perhaps the honourable senator could answer those four questions I just asked.

[Translation]

**Senator Lapointe:** Honourable senators, I do not believe I have the same knowledge the honourable senator has of the Senate. I congratulate him on his research. He has turned up with some very precise figures in hand, and they are no doubt more accurate than mine. I have simply attempted to introduce a principle in the Senate. Far be it from me not to want to pay tribute to senators who have accomplished great things for the country. On the contrary, I greatly admire them. Is it necessary, however, to take 45 minutes or an hour to say what could have been said in three minutes?

Today, tributes were paid to Senator Giguère. Two senators spoke, and that was very good. It did not go on and on, and yet during their speeches, there were two references to figures, for example his date of birth.

I have no objection to paying tribute to those who have made a contribution to this country, which is as much mine as yours. I do, however, have a different view of the time allotted to more important matters, or ones I feel are more important. No one is required to endorse my views, and that is the wonder of democracy. I have tried to make a contribution. Despite what you tell me, a considerable amount of time is still being wasted here! I do not want to make a big thing about it, but even if a great deal is being accomplished here, a great deal of time is still being wasted as well. If I have not answered your questions, you can always contact me in writing.

On motion of Senator Sparrow, debate adjourned.

[English]

## THE SENATE

### OFFICIAL LANGUAGES COMMITTEE—CHANGE TO RULE 86—MOTION—DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier,** pursuant to notice of October 2, 2002, moved:

That rule 86 of the *Rules of the Senate* be amended:

by replacing paragraph (1)(e) with the following:

“Official Languages

(e) The Standing Committee on Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.”; and

That a Message be sent to the House of Commons to acquaint that House that the Senate will no longer participate in the Standing Joint Committee on Official Languages.

He said: Honourable senators, I should like to address a subject that has been of great concern to me for several years. It has been two years now since we have had a motion proposing the same type of objective that we have here before us.

The proposal was debated many times in the Senate. The matter was debated also in committee when it was deferred, in February 2001, I believe — more than a year ago — to the Standing Committee on Rules, Procedures and the Rights of Parliament, which, I must admit, took the subject matter very seriously.

That committee met 19 times on this issue and heard 35 witnesses. They worked hard. I thank them for that. The committee, chaired by Senator Jack Austin, debated the matter thoroughly. The motion was adopted by the committee in May 2002. The chairperson, it was our understanding, was to report to the Senate. However, the summer adjournment intervened and, as all honourable senators are aware, the Houses of Parliament were prorogued, and we had to start all over again.

[Translation]

Honourable senators, this motion falls within the Senate's responsibilities as defined by the Constitution of Canada. The Senate was created to give legislation a second look, to represent the regions, and to protect the rights of minorities.

This motion proposes the creation of a committee that would be responsible for considering all issues relating to our two official languages. If made, this decision will be a historic decision, because the Senate has never had its own official languages committee. Yet this is one of the reasons for having a Senate.

When the Official Languages Act was passed by Parliament in 1969, a committee of the House of Commons oversaw the implementation of this policy. I know this because I have been a member of this committee since 1972. The committee would meet from time to time with the Commissioner of Official Languages to discuss his estimates or his annual report.

It is true that the official languages issue was disturbing for some people. In the 1970s, it was a sensitive and controversial subject. Here in the nation's capital, it was not easy. There were “pros” and “antis,” but very few people were indifferent. Radio open line shows were very busy, and editorial writers — particularly in the majority language — took aim at the objectives of making the Public Service of Canada an organization where one could work in French and serve the public in both official languages of the country and where there was fair representation of the two communities, the French-speaking community and the English-speaking community. These objectives appeared totally fair to me.

I have to admit that, since the spring of 2001, the Standing Joint Committee on Official Languages has been a livelier place. Its members have been showing up more regularly. They have been working hard on matters before them. I want to thank the co-chairs and hail the work accomplished by Senator Shirley

Maheu. I also want to pay tribute to the contribution and leadership of co-chair Mauril Bélanger, and my Liberal colleagues from both Houses, who regularly came to question witnesses. I would be remiss if I did not mention opposition MPs Benoit Sauvageau and Yvon Godin, who did serious work. Their questions were pointed at times, but work was being done.

• (1700)

I have greatly appreciated their faithful attendance, their grasp of the issues and, above all, their friendship.

It is not easy to chair a Joint Committee on Official Languages when there are no rules. There are no specific rules governing the procedures that joint committees should follow. This issue has already been debated on a number of occasions, including during the proceedings of a committee consisting of Senator Grimard, myself, Mr. Milliken and Ms. Catterall. We met several times to try to reach an agreement, but there was no follow-up. I myself was absent for a few months and even a few years for health reasons.

A joint committee primarily reviews regulations. It is more interested in the "how," rather than in the "why" of issues. A joint committee cannot consider bills. This is where we do not agree.

This was evidenced last year when I introduced Bill S-32, to amend the Official Languages Act (fostering of English and French). This bill was given second reading in the Senate.

Senator Corbin asked me, after the report was adopted at second reading, if I intended to refer the bill to the Standing Joint Committee on Official Languages. I said no, because that would not be efficient. I could not understand why the House of Commons would let the Senate give second reading to a bill, to do away with a committee, without having had the same opportunity. The two Houses have equal powers and their procedures are similar: three readings to pass a bill. I cannot understand why a bill would be referred to a joint committee. The other place would object to this, and rightly so.

Bill S-32 was referred to the Senate Standing Committee on Legal and Constitutional Affairs, which met eight times and heard 35 witnesses. Again, I was unlucky, because the session was prorogued and the bill died on the Order Paper. Some good work had been done, but the House of Commons had yet to be involved in the process. Some senators asked experts and people interested in the issue to appear before the committee. I thank them.

This motion has been around for quite some time. If it were adopted, it would allow for committees of both Houses to be restructured. I can assure everyone that there is nothing in this motion that would prevent the House of Commons from establishing its own official languages committee. The two standing committees could meet together from time to time to hear from people who could contribute to the advancement of official languages.

The Official Languages Act was amended in 1988 under the Mulroney government. The Commissioner of Official Languages, Ms. Dyane Adam, tabled an annual report that ought to be given careful consideration by a Senate committee. This issue deals with the English-language minority in Quebec and French-language minorities outside of Quebec.

The motion is quite important and it is urgent that we consider it because we are in the process of restructuring our committees. The Committee of Selection will be looking into the question. It would be good if its mandate included selecting or recommending the members of this committee.

We must make an informed and wise decision to strike a Standing Senate Committee on Official Languages. I remind senators that regional and linguistic interests are one of the basic responsibilities of the Senate, and we must act swiftly.

In closing, I am convinced that the institutional memory of each senator and the interest that we will have in this issue will help the work of the committee benefit all of Canada. I believe that we have the support of all Canadians.

[English]

**Hon. Tommy Banks:** Would the Honourable Senator Gauthier entertain a question?

**Senator Gauthier:** Yes, of course.

**Senator Banks:** As I understand it, the joint committee has the job of ensuring that the provisions of the Official Languages Act are applied well, prudently and judiciously across the country. I believe that is at least part of that joint committee's mandate. If not, I would ask to be corrected. If it is, in considering the existence of two committees, one in each house, would Senator Gauthier tell us what his view is as to which committee would have its opinion given the most and best weight, should they disagree, for example, on a question of an application of the Official Languages Act?

**Senator Gauthier:** Honourable senators, there are two sides to that question. To the first one I would say that there are committees in both Houses that are similar in their interests: agriculture, defence and foreign affairs. However, it is not duplication. We in this house have a different approach to subject matters. In relation to official languages, we are not there to interpret the law. We have an official Commissioner of Official Languages who acts as an ombudsman. I could give you a long speech as to why I think she should be the language auditor of Canada but I will not do that. The fact is: she is not. She is the ombudsman. I should like her to have the same powers as the Auditor General. She does not. She cannot go to court unless she has received a complaint. I believe we could improve that in future years.

Basically, the work done by the Senate does is different from the work done by the House of Commons, and that is understandable. Honourable senators, we are not as partisan as members of the House of Commons. We have no problems with the Official Languages Act. The opposition here supports its objectives. In the House of Commons the Alliance Party has said publicly many times that they would hand over that jurisdiction



to the provinces; they would want the federal government to step out of official languages. Truthfully, that would be a disastrous situation for minority language rights. Anglophones in Quebec would not like it, and francophones outside Quebec would not like it either.

There is the possibility this committee operating under a different type of procedure, as we did in the old days. It would be forward-looking, it would be good for the issues, and it would be very much part of our mandate as senators to look after minority rights.

**The Hon. the Speaker:** Honourable senators, I must advise that Senator Gauthier's 15 minutes have expired.

• (1710)

[Translation]

**Hon. Gerald J. Comeau:** Honourable senators, it is tradition in the Senate that the two sides alternate. I would therefore ask for debate to be adjourned.

On motion of Senator Comeau, debate adjourned.

[English]

## AMERICA DAY IN CANADA

### MOTION—DEBATE ADJOURNED

**Hon. Jerahmiel S. Grafstein,** pursuant to notice of October 2, 2002, moved:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada to be known as "America Day in Canada."

He said: Honourable senators, I rise to speak in support of a resolution to declare September 11 "America Day in Canada."

Some years ago I spoke in the Senate about Canada's fascinating symbiotic relationship with the United States following a meeting that I co-chaired in Nantucket where the twenty-ninth annual meeting of the Canada-U.S. Interparliamentary Group was hosted by our American Congressional colleagues.

I remind the Senate that about 125 years ago an energetic young man called Theodore Roosevelt, freshly graduated from Harvard University, published the first of his many books, a closely documented naval history of the War of 1812. Roosevelt's ideas blossomed into his later strategic views about expanding the reach of the Monroe doctrine, first proclaimed in 1823. That doctrine was a direct outgrowth of the War of 1812. Roosevelt believed that the Monroe doctrine, to make America secure for democracy, should expand beyond the American continent north and south, as far west as the Philippines in the Pacific, and beyond Cuba in the Caribbean, via robust naval power.

After being appointed Assistant Secretary of Navy in 1897, in his first speech at the Naval Academy Roosevelt criticized Thomas Jefferson's war strategy in 1812. The great Jefferson had sought to protect the American coastline with small defensive craft rather than a fleet of aggressive battleships that could roam

the seas of the world, which, in Roosevelt's view, might have prevented the War of 1812.

His belief in robust naval power to extend the security boundaries of the Monroe doctrine beyond the Americas had a profound effect on the United States in the 20th century and reverberates strongly in American strategic doctrine today. We heard echoes of the Monroe doctrine in President Bush's speech just last evening.

Turning to Canada, honourable senators, just a few feet away from the Senate lies the Rideau Canal which connects Ottawa to the lower St. Lawrence River which, in turn, is connected to Lake Ontario, all via Canadian inland waterways. The Rideau Canal was finished in 1832 and, of course, was much later improved, but in its first stage it was completed as a strategic aftermath of our last war with the United States, that same War of 1812.

Honourable senators will recall that, during the War of 1812, government buildings were burnt, first in York, then the capital of Upper Canada — now Toronto, my home — by Americans. Washington government buildings were burnt in retaliation. These actions led to a peace settlement in the Treaty of Ghent of 1814 which marked, for the last time, Canada and America taking up arms against each other and exchanging fire.

Back to the Rideau Canal: This inland waterway was engineered to allow our naval and military forces to enter and reinforce our inland waters, especially Lake Ontario, avoiding the border river of lower St. Lawrence from Cape St. Vincent to Cornwall.

Honourable senators, we are reminded by former Senator Moynihan of New York in his slim but indispensable volume, *On the Law of Nations*, that the Rideau Canal effectively put an end to the prospect of war between Canada and the United States. Moynihan goes on to write: "...yet, this would not be convincing." The fact is that the people along the St. Lawrence changed their minds. Yes, both Canada and the United States changed their minds and lowered their weapons, while the United States abandoned its northward ambitions, the result being the evolution of the longest undefended border in modern history. From rivals west and north, Canada and the United States became fast friends, partners and staunch allies.

September 11, 2001 changed forever America's strategic outlook. For the first time since 1812, America was attacked in its heartland, in its largest metropolis and its capital. Now, homeland security, encompassing all of North America, has become a paramount pillar of U.S. policy. Meanwhile, Canada and the United States continue to be each other's largest trading partner. Since the FTA and NAFTA, our trade has increased to close to \$450 billion annually. Over \$1 billion dollars in trade crosses our borders daily. Millions of our people cross the border yearly. Last year, it was estimated that there were over 150 million trips across the border. As we speak, the open border is now being transformed into a smart, secure border to improve both efficiency and security.

[ Senator Gauthier ]



Both Canada and America believe in providing a haven for those seeking freedom and security from around the world. Both our societies have undergone profound change due to massive immigration. The streets of Canada and the streets of America reflect this new reality.

Canadians and Americans share most values and bear most similarities. We are both devout believers in democracy. We both believe in the rule of law in practice and within our domestic institutions. Our constitutions put people before government. We believe in reducing barriers to international trade. We both believe in promoting democracy, equality and freedom at home and abroad.

Yet there are differences from our more populous, more robust neighbour to the south. Fear of being overwhelmed has fuelled Canada's belief that our culture is inseparable from our national psyche and our national identity. America uses its culture as just another invaluable commercial product. Canadians have held the belief that bilateral trade and constructive engagement can foster democratic values in places like China. You will recall that Canada recognized Red China just before the United States for precisely this purpose.

Canadians are physically more wired to each other. Canadians from every region share a very strong consensus on most issues. The Charter has emerged as the most respected icon of Canadian civic society. We have become a rights-drenched society.

We make more per capita telephone calls each year. We publish more poetry per capita. We watch more television. Cable television's penetration in Canada is much higher than in the United States. Our bilingual society is at work through the English and French television and radio that reaches virtually all of our population from coast to coast.

Our educational systems differ in that we deploy public funds for public, secular and non-secular education.

While Americans believe that bearing arms is a right, Canadians believe that it is a privilege and should be regulated.

We believe that health is a national priority, to protect individuals from fear of disability. Hence, we celebrate a universal and accessible medicare system for all Canadians.

Americans believe in strong military to provide security at home and abroad. We Canadians benefit, as our ambassador to the United States, Michael Kergin, said last week in Toronto, from America's security blanket.

While I said we differ at times with Americans, no one can deny America's singular and unique leadership in the world when it comes to pressing and promoting democracy and trade in every corner of the globe. From Theodore Roosevelt to Wilson, from Franklin Roosevelt to Truman, from Reagan to Bush, America believes that it has a singular mission to expand democracy and freedom across the globe. Sadly, the 21st century promises more unpredictable turbulence than we could have ever imagined.

• (1720)

After 1989, when the Berlin Wall came down, due in large measure to America's steadfast and patient leadership, all believed that the world would change for the better; that the world would be a newer, better place; that there would be a new

world order. We were all wrong. September 11 shattered conventional wisdom with respect to our peace and security both at home and abroad. Twenty-four Canadian citizens joined people from every faith and every region of the world as victims in that heinous onslaught on our common values and citizenry, as the Prime Minister reminded us. Yet the American spirit as re-emerged more purposely and powerfully to protect and safeguard our shared values. We stood together in World War I, World War II, the Korean War, the Gulf War and peace missions around the globe, and we will stand together to defend freedom and liberty, each, as we have heard today, in our own way.

America now celebrates September 11 as Patriots Day in America, so I think it is right and proper that we commemorate September 11 in Canada as America Day in Canada, a day that changed America, changed Canada and changed the world, perhaps forever.

Canada remains America's staunchest friend and ally. Canadians by the millions, for generations, have developed unbreakable bonds of family and friendship in every corner of America. I urge honourable senators to support this very modest resolution that will give us time each year, on the unforgettable September 11, for reflection and celebration of our exuberant and irreplaceable neighbour to the south.

I saw the Canadian spirit and steadfastness for America reflected last December 1 when well over 20,000 Canadians — I estimated between 22,000 and 26,000 — came from every corner of Canada, at their own expense, and descended on New York to help bring things back to normal, answering Mayor Giuliani's eloquent call at the United Nations. We witnessed, in Canada, the spontaneous outpouring of hospitality offered by Canadians to Americans stranded in Canada on September 11.

We pray for a time when the world will once again become a safer, securer place for our children and us. That should be our prayer when we commemorate and celebrate each and every September 11 as America Day in Canada.

I urge the Senate to adopt this resolution.

On motion of Senator Kinsella, for Senator Buchanan, debate adjourned.

## THE SENATE

### MOTION TO RECEIVE LIEUTENANT-COLONEL PAT STOGAN, ARMED FORCES, IN COMMITTEE OF THE WHOLE—DEBATE ADJOURNED

**Hon. Tommy Banks**, for Senator Kenny, pursuant to notice of October 3, 2002, moved:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogan, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

He said: Honourable senators, there are many things that grasp the attention of Canadians these days, and we all know what they are. One of them is certainly the state of our defence capabilities: the alacrity with which we may respond when we are called upon to do so, the extent to which we may respond when we are called upon to do so and, as we have sometimes heard, the difficulties which our forces have sometimes faced when they have been called upon to do so.

Colonel Pat Stogran's name may not be well known to you, but he is an officer with a very distinguished and recent record of active service. He was the commander of the Canadian Forces on the ground in Afghanistan. He was their commander when they were identified as the soldiers who would be sent to be on the ground in Afghanistan; he was in charge of their preparation, their training, their deployment and actually getting them there; and he commanded them on the ground when they were in Afghanistan, where they acquitted themselves so well. Colonel Stogran also commanded the battle group as it left Afghanistan and returned to Canada. Therefore, he knows to a degree that others do not — first hand and at the highest level of direct command authority — exactly what happened when a Canadian contingent of soldiers was sent to fight on the ground in a theatre of war.

We are hearing in the Senate and in the Standing Senate Committee on National Security and Defence, and we are reading in the newspapers, varying reports about the readiness and the capacities of the Canadian Armed Forces to do things in the world. I agree with Senator Kenny, and therefore support this motion, that it would be a very good idea for not only the committee but for all of us to hear in Committee of the Whole directly from that officer what his experiences were and what his recommendations and observations would be with respect to our state of military preparedness, capability and action on the ground. It would be beneficial to hear from him about our capacity to get where we need to go and what happens when we get there with respect to equipment and training, which we know is excellent because this contingent was regarded by most as the best people on the ground there. We need to hear about those things and to be able to ask questions about them directly to a Canadian officer who was in command of forces in action this year.

I therefore avidly commend the attention of senators to this motion, which I hope will be adopted.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I wish to thank the honourable senator for that explanation. The motion is very timely. In terms of the work schedule of the Senate, it would fit in very well because our committees are still in the process of being formed. Therefore, we support the motion, not

only in terms of the timeline but also in terms of the substance and arguments that have been advanced.

On motion of Senator Robichaud, debate adjourned.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON STATE OF HEALTH CARE SYSTEM

**Hon. Michael Kirby,** pursuant to notice of October 3, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the state of the health care system in Canada. In particular, the Committee shall be authorized to examine:

- (a) The fundamental principles on which Canada's publicly funded health care system is based;
- (b) The historical development of Canada's health care system;
- (c) Health care systems in foreign jurisdictions;
- (d) The pressures on and constraints of Canada's health care system; and
- (e) The role of the federal government in Canada's health care system;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-sixth Parliament and the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report no later than October 31, 2002;

That the committee retain the powers necessary to publicize its findings for distribution of the study contained in its final report for 60 days after the tabling of that report; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

The Senate adjourned until Wednesday, October 9, 2002, at 1:30 p.m.



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CANADA

# Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 6

OFFICIAL REPORT  
(HANSARD)

Wednesday, October 9, 2002

THE HONOURABLE DAN HAYS  
SPEAKER





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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, October 9, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATOR'S STATEMENT

#### WORLD TEACHERS DAY

**Hon. Ethel Cochrane:** Honourable senators, I rise today in recognition of World Teachers Day, which was celebrated on October 5 under the theme "Teachers Create Dialogue Every Day." It is an occasion when we turn our attention to the important role that teachers play and to the many contributions that they make in helping to shape individual lives in society as a whole.

In this room today, there are honourable senators who have worked hard as teachers and educators. I commend them for their efforts and achievements in such an important profession. However, I should also like to note that we all have a connection to the teaching profession. Without a doubt, everyone here today has been greatly influenced by the teachers in their lives. Each one of us, if asked, would have no difficulty identifying at least one teacher who had an especially significant impact on his or her life and could instantly recall special memories of that teacher.

Teachers train us academically to become proficient in reading, writing, math and other fundamental skills, but their influence goes far beyond. They teach us to listen, engage in discussion, form arguments and become respectful listeners. They help guide us on the path to critical thinking. They instill in us morals and basic principles on how to live our lives and help shape us into strong, responsible members of society. Quite simply, teachers help us learn about ourselves and to become the best that we can be.

I should like to take this time, honourable senators, to draw attention to a recent achievement by teachers and students in my home province of Newfoundland and Labrador. I was thrilled when I read last week about the huge improvements made in reading and writing by our Grade 3s. I have spoken here before on the critical importance of literacy, and I am so very encouraged by these numbers that I must share them and highlight the fabulous work being done in this particular area.

Results from this year's Criterion Reference Tests show that 79 per cent of students in my province are reading at the required level, up from 63 per cent last year. Their writing skills are particularly impressive, with approximately 90 per cent writing at the required level and more than one third of students entering elementary school with exemplary writing scales. That is fabulous. These results illustrate just one way that the efforts and dedication of our teachers make a powerful and lasting contribution to our students and society.

I applaud all teachers for their hard work and commitment to students and thank them for their efforts in inspiring and guiding the growth of our future leaders.

[Translation]

### ROUTINE PROCEEDINGS

#### SUPREME COURT JUSTICE MARIE DESCHAMPS

##### COPY OF COMMISSION TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a copy of the commission constituting the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, Deputy of the Governor General, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure, dated August 7, 2002.

I ask that the said commission be printed in the journals of the Senate.

*(For text of Commission, see Journals of the Senate, p. 55.)*

#### NATIONAL SECURITY AND DEFENCE

##### GOVERNMENT RESPONSE TO REPORT OF COMMITTEE TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table two copies, in both official languages, of the document entitled: "Government Response to the Report of the Standing Senate Committee on National Security and Defence."

[English]

#### BROADCASTING ACT

##### BILL TO AMEND—FIRST READING

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** presented Bill S-8, to amend the Broadcasting Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading two days hence.

• (1340)

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART OF 2002 ORDINARY SESSION OF  
PARLIAMENTARY ASSEMBLY OF COUNCIL OF  
EUROPE, JUNE 24-28, 2002—REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association to the Third Part of the 2002 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from June 24 to 28, 2002.

[Translation]

### THE SENATE

NOTICE OF MOTION TO AUTHORIZE A COMMITTEE  
TO STUDY ACCESS OF HARD-OF-HEARING PEOPLE TO  
TELEVISION PROGRAMS

**Hon. Jean-Robert Gauthier:** Honourable senators, pursuant to rule 57(1)(a), I give notice that, Tuesday next, October 15, 2002, I will move:

That a committee of the Senate be authorized to examine and assess the obstacles confronting deaf and hearing-impaired persons who want full access to television programming, films, or any other form of communication or official announcement dealing with health, the maintenance of order or public safety.

[English]

## PANDEMIC OF HIV/AIDS

### NOTICE OF INQUIRY

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 56, I give notice that on Tuesday, October 22, 2002, I will call the attention of the Senate to the pandemic of HIV/AIDS that is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day; and the role that the Government of Canada could play in fighting the disease that is destroying much of the emerging Third World.

## QUESTION PERIOD

### FOREIGN AFFAIRS

RELATIONSHIP BETWEEN ISSUED PASSPORTS AND  
NUMBER OF ELIGIBLE APPLICANTS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, Auditor General Sheila Fraser drew our attention to the fact that there are more SIN cards in Canada than there are Canadians over the age of 20. Could the honourable senator tell us how many Canadian

passports there are in Canada and whether there is a relationship between that number and the number of Canadian citizens?

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator knows, the federal government has recently implemented tougher regulations with respect to the types of passports and their issuance because it was discovered that earlier passports were too easily copied. The new passport will be more difficult to copy. We know that baptismal certificates, which were used for identification purposes in the past, will no longer be viable for that purpose. I will try to obtain information for the honourable senator on the number of active Canadian passports that fall within the five-year period of validity.

### RCMP—CONFIDENCE IN PASSPORT AS IDENTIFICATION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I thank the honourable leader for that undertaking.

By way of supplementary, a Canadian citizen from my province of New Brunswick, who volunteers for the Girl Guides of Canada, travelled to the RCMP Division Headquarters in Oromocto, New Brunswick, to undergo a required criminal record check. She tried to use her Canadian passport as her photo identification but was told by the RCMP that her passport, the internationally recognized proof that she is a Canadian citizen, was not acceptable as a form of identification. She was told that the RCMP would accept a provincial photo identification card, if she were to purchase one.

Could the Leader of the Government in the Senate tell this chamber why the RCMP no longer has confidence in the Canadian passport and refuses to accept it as a form of identification when conducting criminal record checks?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not know whether the RCMP has ever accepted passports as a legitimate form of identification. That fact would have to be known before the honourable senator's question could be answered accurately. The RCMP establishes its own rules with respect to criminal record checks. I will ask their officials for information on their process, which should indicate why this piece of identification is not used.

Certainly, I use my passport regularly for photo identification when I board planes because that is a requirement. I feel confident that a passport is a positive form of identification. In my province of Manitoba, we do not have photos on provincial identification cards, such as the health card.

**Senator Kinsella:** I thank the honourable senator for her reply, but I would hope that she would share my view on the Canadian passport. If it is to mean anything, it must bear the kind of security integrity that she alluded to in response to my first question. The Government of Canada must have sufficient confidence in the issuance of the passport, at least at the level of confidence that other countries have in the passports issued to their nationals. The policy of the Government of Canada must be that it stands behind the passports that are issued. Canadian passports must not be similar to the identification documents issued by the local McDonald's.



**Senator Carstairs:** Honourable senators, with the greatest respect, the Government of Canada deals at arm's length with the RCMP. The RCMP sets its protocols and procedures. I do not think that, in any way, indicates a lack of confidence in the Canadian passport system. Indeed, I am confident that the Government of Canada thinks that its passport system is secure, especially since it was recently made more secure.

## INTERNATIONAL TRADE

### UNITED STATES—SOFTWOOD LUMBER AGREEMENT—STATUS OF NEGOTIATIONS

**Hon. Gerry St. Germain:** Honourable senators, my question is for the Leader of the Government in the Senate and relates to the softwood lumber industry. The government appears to be indifferent to the softwood lumber dispute that has created a crisis for B.C. workers, their communities and industry. I understand that, yesterday, an announcement was made about a \$246-million aid package. Many people in British Columbia and, in particular, many people in the industry do not believe that the industry can be bailed out financially but that it must be "negotiated out." Could the honourable leader bring the Senate and Canadians up-to-date on the status of the negotiations?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator is quite right in that the government announced a \$246.5-million package to help communities, to assist in research, which will involve our Aboriginal communities, and to develop a program of skills development. The funds are in addition to \$75 million that had been announced previously for R&D and \$20 million to ensure that Canada's message about the need for free and fair trade in lumber was heard and understood in the United States.

In addition, honourable senators, a WTO ruling has recently been announced, which would confirm their earlier preliminary ruling, that the softwood lumber dealers and workers in Canada have done nothing that would warrant the kind of actions taken by the United States.

On another front, Minister Pettigrew continues to work with his American counterparts to try to reach a negotiated settlement. Talks are continuing. It is difficult to deal with a neighbour who, despite consistent rulings against it, refuses to recognize its obligations.

• (1350)

**Senator St. Germain:** Honourable senators, my supplementary question relates basically to the relationship between our two nations. If there is a breakdown in the relationship with our American counterparts, whether caused by the Prime Minister and the government of the day, is the government prepared to accept that fact, which is key to resolving this important issue? The softwood lumber issue can be compared to the fisheries issue some years back, and it will put thousands of Canadians out of work.

I do not see the U.S. stance as partisan or as an attack. Relationships break down, between people and between nations. When they do break down, they can be costly. In this case, this

issue is being cited as a breakdown in the relationship between the governments. Is the present government prepared to look at this issue from that angle?

**Senator Carstairs:** With the greatest respect, honourable senator, what this government is not prepared to do is roll over and play dead. It will defend our sovereignty at every opportunity. We will have our own foreign policy. We will have our own trade policy. We will act, in every respect, like the independent, sovereign nation that, in fact, we are at the present time.

The honourable senator's own leader, quite frankly, has a totally different attitude about relationships with the United States. Let me make clear that I am speaking about the Alliance leader, not the Conservative leader. The attitude of the Alliance leader is on record, and, quite frankly, I find it totally unacceptable in a sovereign nation.

The relationship continues, I believe, in some ways to be positive. In other ways, we will continue to have disputes. We will do our best to show the Americans that they are wrong, but we will not bow down before them.

**Senator St. Germain:** Honourable senators, I honestly believe that this is why we have a problem: The Leader of the Government in the Senate is confusing sovereignty and dealing with a good customer. This is strictly about business. This is not about the Americans trying to come in and tell us what to do. The Americans handle their trade actions through their various trade commissions.

If this government is so concerned about sovereignty, why are we not doing anything about our military to protect it? It is not a question of rolling over and playing dead. It is not a question of what is being said in the other place by the Leader of the Alliance Party. It is a question of dealing with the issue for British Columbian workers and their industry, but mainly the workers. There are thousands of people whose jobs are in jeopardy today.

We can go on about the sovereignty rhetoric, but the Americans buy \$10 billion worth of lumber from us every year. If we erode that commerce because we are riding our high horse of sovereignty, we will get blown out of the water, much like we are right now. If the government's position is the same as the minister's position, as she has stated it here today, I can well see why we are in trouble. Is the government prepared to change it?

**Senator Carstairs:** It is because of the workers in British Columbia and other regions that the government announced yesterday a \$246.5 million package. That is in addition to \$95 million announced earlier.

The point is that we are dealing, as best we can, with our workers. There was the question, for example, as to why there were no loan guarantees as part of the package announced yesterday. Quite frankly, there were no loan guarantees because we do not want to do something that would result in further negative action being taken by those so-called negotiators south of the border.

The government is acting in a rational and reasonable way. If the honourable senator is suggesting that the government should take every single attack that the United States throws our way, not challenge them, not take them to the World Trade Organization, then he is wrong, in my opinion.

### FOREIGN AFFAIRS NATIONAL DEFENCE

#### REVIEW OF FOREIGN AFFAIRS AND DEFENCE POLICY—REQUEST FOR DETAILS

**Hon. Douglas Roche:** Honourable senators, yesterday the Leader of the Government in the Senate confirmed that there will be a review of Canada's foreign policy and defence policy. The minister said that both reviews will take place at the same time. The minister also said that Canadians will be consulted.

It is my wish to return to the question I put to the minister on April 24 concerning the manner of the review. First, could the minister tell honourable senators the timelines for this review; second, how MPs and senators can participate in this review, whether it be through the committees or otherwise; and third, the role of the NGO community in Canada in participating by giving their views on Canada's policy in foreign affairs and defence? How will that be done?

**Hon. Sharon Carstairs (Leader of the Government):** I wish to tell the honourable senator that those timelines have not yet been developed. If the honourable senator has some ideas as to how such a review should take place, I would be delighted to bring those views to the discussion table at cabinet.

**Senator Roche:** Honourable senators, I will take that as representation, which I normally give to the minister. Is the minister saying that she will accept a proposal from one senator as to how Canada's foreign and defence policies should be reviewed in an appropriate manner?

**Senator Carstairs:** The honourable senator might be quite surprised at the number of times that I take information that I receive in this chamber forward to the cabinet table. Of course, that is exactly what I was asking him for. If he will submit to me his ideas as to how such a review should take place, I will be delighted to bring it to the Minister of National Defence in the cabinet.

**Senator Roche:** I understand the minister is confirming the Minister of Foreign Affairs as well as the Minister of National Defence for this joint review. Is it one review with both ministers?

**Senator Carstairs:** Since it is a review of foreign affairs and national defence policies, it will go forward to both ministers.

### HUMAN RESOURCES DEVELOPMENT

#### AUDITOR GENERAL'S REPORT—ISSUANCE AND TRACKING OF SOCIAL INSURANCE NUMBERS

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. It relates again to the Auditor General's report and deals with the integrity of the issuing process of the social insurance numbers. It seems that

there is, in fact, a lack of diligence in the issuing process for social insurance numbers. Even as we speak now in the Senate, HRDC is issuing numbers without receiving adequate information that could prove to be instrumental in determining cases of fraud in the system.

How can the government justify doling out these numbers without first acquiring adequate information relating to the citizenship and identity of the applicant? The minister will know that the Auditor General brought this issue to the attention of the government as long ago as 1998. The current report asks why the government has not done something about it.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. I am sure he is aware of the government's press release of today that stated that, effective immediately, HRDC will accept only original identity documents as proof of identity for a SIN number. Also, effective immediately, they will deactivate any SINS that have not been used in five years. Further, HRDC is seeking authority to introduce expiry dates for all SINS belonging to people who are neither Canadian citizens nor permanent residents.

There was also a response from government to the 1998 Auditor General's report indicating that the government was no longer accepting baptismal certificates for identification. SIN investigations since 1998 have increased to 6,500 annually. Resources have been dedicated to fight SIN fraud. A SIN investigation management function has been introduced in response to the 1998 report. In fact, in the three years prior to 1998, there were only 13 related prosecutions, but in the years following the report there have been 51. Hence, there has been a consistent movement. However, the Auditor General has said that these efforts are not enough, and that they have not taken place quickly enough. HRDC has replied today, saying: "We hear you. We will move even more quickly on our reform agenda in this area."

• (1400)

**Senator Oliver:** In her reply, the minister referred to the five-year rescission period. Could the minister shed some light on whether having an arbitrary cut-off period like five years could, in any way, do harm to senior citizens or elderly people who may not have cause to use their numbers on a regular basis, say, like the minister, who travels? Will this in any way be prejudicial to seniors?

**Senator Carstairs:** I do not know whether the question is about SINS or passports.

**Senator Oliver:** I am referring to SINS.

**Senator Carstairs:** The idea, quite frankly, is to implement a system similar to what we have with passports. I think we would find that senior citizens would use their passports less often in a five-year period than their social insurance numbers, for the very reason that SINS are included on income tax forms. I suspect, therefore, that it would not be considered a dead number but a very active number.



## NATIONAL DEFENCE

REPORT OF CONFERENCE OF DEFENCE  
ASSOCIATIONS—OPERATIONAL STATUS OF  
EQUIPMENT—RETENTION OF PERSONNEL

**Hon. J. Michael Forrestall:** Honourable senators, the minister seems to be very forceful today — bless her.

Honourable senators will all know that the Conference of Defence Associations reported that, within 18 months, half of the army's vehicles — it seems to me that only yesterday we purchased a bunch of them, but it was probably a while ago now — will not be available for use because there is no money for spare parts and there is a shortage of maintenance personnel. Only 50 per cent of our new Coyotes are ready for action, for example, due to lack of skilled trades personnel.

What steps is the government intending to take to ensure that, at the very least, we can drive our trucks and man our armoured vehicles? In spite of the comforting words from the Prime Minister that the next budget will include an increase in the defence budget, we are talking about 18 months or two years from now and we cannot wait that long.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. As to why I am more forceful today, during my briefing for Question Period, hammering sounds were coming through my ceiling from Senator Lynch-Staunton's office. As a result, my voice grew louder as the briefing period went on. I brought that good voice with me into the chamber this afternoon.

Honourable senators, let me first say that we did a thorough review yesterday of the incident that the honourable senator referred to with respect to Iraq and could find no evidence that such an incident had, in fact, taken place.

**Senator Forrestall:** Did you check the Italian press?

**Senator Carstairs:** With respect to how we will get adequate vehicles up and operating, as the honourable senator knows, the increase in the defence budget was substantial this past year. It certainly did not meet what the honourable senator wanted, but it was substantial year-to-year, over the previous year. The Minister of National Defence is making every effort to ensure that our troops and their equipment are in the best possible condition.

**Senator Forrestall:** Honourable senators, the report deals with a large number of factors, not the least of which is a clear warning that we are losing so many officers that the Canadian Armed Forces may not be able to command itself in operations. This, of course, leads to problems with morale in the forces. For example, the government deployed troops to Afghanistan but could not deploy their stoves and water purification facilities. Just because we have had to muddle through in the past, and in some cases have suffered casualties, that is no reason to do it again.

The Canadian Armed Forces need about \$1.5 billion almost immediately to maintain their current, albeit somewhat inadequate, combat capabilities. Is there the slightest possibility

of that money being made available to the leaders of the Armed Forces sometime this fall?

**Senator Carstairs:** The honourable senator has identified a serious problem, and that is the retention not only of enlisted personnel but even more important, of officers within the armed services in Canada. There are many factors, certainly not the least of which is a vibrant economy whereby those officers who were well trained can find interesting jobs outside of the forces as a result of their expertise and knowledge. I can assure the honourable senator that the retention issue has been on the agenda of the Department of National Defence. It is hoped that changes in pay, which went into effect over the last two years, will help with that retention issue. The issue is not being ignored.

**Senator Forrestall:** Finally, if the economy is so vibrant and things are so good, why has this become a problem?

Honourable senators, the government has wasted almost \$1 billion cancelling the EH-101 contracts. It wasted \$1 billion on the Pearson airport. It wasted \$1 billion on punishing Canadians with the so-called long gun registration, and it lost \$1 billion in the HRDC scandal. I will not even mention the moneys wasted on golf courses and hotels in a certain riding and the money wasted on communications firms. Some current ministers seem to think that the treasury is their own personal piggy bank.

If the government had approaching \$4 billion to burn — in fact, it has done so, I believe — then when can we get \$1.5 billion for the Canadian Armed Forces?

**Some Hon. Senators:** Hear, hear!

**Senator Carstairs:** Honourable senators, the honourable senator from the other side talks about wasted money in the procurement of good products for the military. That is his view; it is not the view of the government. We believe that the government is spending its money appropriately to get the very best product to put our enlisted service personnel in an advantageous position.

**Senator Forrestall:** When I came to the Parliament of Canada, our total budgetary requirement was slightly over \$6 billion — not \$60 billion, not \$600 billion, but slightly over \$6 billion. I am still here, and God only knows I cannot even count to as high as it is today. If the Canadian Armed Forces does not get the \$1.5 billion it needs, it will cost the Canadian taxpayer, our country, one of two things: either we will have no Armed Forces, or we will have an Armed Forces that is reduced to paramilitary work in aid of civil powers here at home.

**Senator Carstairs:** That is clearly the view of the honourable senator opposite; it is not my view. The government has consistently, over the last three or four years, added to the budget of the Department of National Defence. It is the government's hope that it will be able to continue in that process as in the years past, but the reality is that there are decisions to be made on moneys to go to health, moneys to go to research and development, moneys to go to education in ways that the federal government can spend it, moneys to go to the social safety network, and all have to be balanced one with the other.



• (1410)

## BUSINESS OF THE SENATE

**Hon. John Buchanan:** Honourable senators, I have a question for the Leader of the Government in the Senate. I have a few comments I would like to make in leading up to the question.

**The Hon. the Speaker:** I regret to inform the honourable senator that we are down to two minutes for Question Period.

**Senator Buchanan:** I have only two minutes? One minute? I cannot say anything in a minute. Unfortunately, I am going to a one-hundredth birthday party in Halifax tomorrow, so will not be here.

If I only have half a minute left, then it will give me more time to prepare for my question in two weeks.

**Hon. Sharon Carstairs (Leader of the Government):** Thank you, senator. I look forward to the question.

## QUESTION OF PRIVILEGE

### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, yesterday Senator Cools rose on a question of privilege and drew our attention to certain remarks made by the Deputy Prime Minister and Minister of Finance, Mr. John Manley, regarding the monarchy in Canada. The senator cited a newspaper article in which the minister is quoted as saying:

It is not necessary, I think, for Canada to continue with the monarchy. Personally, I would prefer if we could have a uniquely Canadian institution after Queen Elizabeth.

[Translation]

In making her case, Senator Cools spoke of the constitution, the oath of allegiance and the principle of Cabinet solidarity. The Senator claimed that Mr. Manley's views about the Crown breached her privileges because, as she put it, "he expects me, as a government supporter, to uphold him and what he has done. I cannot do that," she continued, "I will not do that and I will not defend that. As a matter of fact, I condemn that!"

[English]

Several other senators spoke briefly on the matter. Senator Kinsella suggested that Mr. Manley would have saved himself considerable embarrassment had he exercised "custody of the tongue." Senator LaPierre questioned the claim of Senator Cools that the Deputy Prime Minister was actually seeking to overthrow the Queen. Senator Robichaud, the Deputy Leader of the Government, stated that the remarks of Mr. Manley expressed a personal opinion that did not in any way reflect the views of the government. Finally, Senator Murray raised some questions about the convention of cabinet solidarity.

[Translation]

In considering the merits of Senator Cools' question of privilege, it is useful to restate the modern definition of privilege as explained in the British parliamentary authority, *Erskine May's Parliamentary Practice*.

[English]

On page 65 of the twenty-second edition, it is stated:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

In addition, the *Rules of the Senate* provide certain criteria by which I, as Speaker, am bound to consider the prima facie merits of any question of privilege. Among the criteria listed in rule 43, a question of privilege must "be a matter directly concerning the privileges of the Senate, of any committee or any Senator." It must also "be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available." Finally, the alleged question of privilege must "be raised to correct a grave and serious breach."

In accepting the modern meaning of privilege and applying the criteria provided in our rules, I fail to see how the remarks of the Deputy Prime Minister constitute a prima facie question of privilege that affect the rights either of the Senate or of an individual senator. Senator Cools herself cited Mr. Manley's comments in which it is clearly stated that his views on the future of the monarchy in Canada are personal. They do not reflect the position of the government, a point that was reiterated by the Deputy Leader of the Government. Whether or not the Deputy Prime Minister's opinion breaches the convention of Cabinet solidarity is not a matter that comes within the scope of parliamentary privilege. What is also clear is that the senator has not in any way been impeded in performing her parliamentary duties as a result of Mr. Manley's comments. Consequently, I must rule that there be no prima facie question of privilege in this case.

[Translation]

## AUDITOR GENERAL

### REPORT TABLED

Leave having been given to revert to Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a copy of the report of the Auditor General of Canada presented to the House of Commons.

## POINT OF ORDER

**Hon. Eymard G. Corbin:** Honourable senators, during oral question period, a document was distributed by the pages. This document was not personally addressed to any senator. The heading of that document reads:

[English]

"The Hon. Senator Shirley Maheu, Senator, The Senate of Canada," and "Mauril Bélanger, M.P., The House of Commons; Co-chairs of the Standing Joint Committee on Official Languages for the first session of the 37th Parliament." The document is dated October 8, 2002, yesterday.

My point of order consists in objecting to the use of those titles. I do not know if I should call it fraudulent. I will withdraw that assertion if necessary, but I am trying to find the proper word for the proper context. It does not matter who was co-chair in the previous session of Parliament. Those titles are obviously intended to impress people. As far as I am concerned, the Joint Official Languages Committee does not exist at this time, period. It has ceased to exist.

Second, I object to the fact that we should receive, collectively or individually, a document that bears the signature of a member of the other place. I think it is totally unbecoming. Third, this document seeks to counter the arguments advanced by the Honourable Senator Gauthier in a speech he put to this house yesterday. I think this is most improper. I have had a quick read of this letter. I know what it seeks to achieve, which is to cut both legs off Senator Gauthier regarding his initiative before this house.

• (1420)

Senator Gauthier is an honourable senator. I think it is totally unbecoming to circulate a document such as this during Question Period or at any other time that the question is not before the house. Permission of the house should be sought before circulating this kind of document; it has nothing to do with our current business or Question Period. The topic was not before us at the time the document was circulated, but it could be later today, at which point, an honourable senator is entitled to seek the permission of his or her colleagues to have this matter tabled or used in debate by one of the co-signatories, who happens to be the Honourable Senator Shirley Maheu.

I object to this practice of general distribution at the time it was done and in the way it was done. In my opinion, it is mischievous because it seeks to anticipate a debate that could take place later on. This is not the time and place. If these honourable members of both Houses wish to seize our attention of this matter, they should address it to our offices.

**Hon. Shirley Maheu:** Honourable senators, the points were made directly to me.

**Senator Corbin:** No. They were made to all honourable senators.

**Senator Maheu:** The permission to distribute this letter was requested by my office through the clerk's office, then to the chair and to His Honour. It is my understanding that His Honour gave his permission. The pages came to me and asked, "What do you want us to do with the letters in the back? I asked them to distribute the letters.

If the pages should have waited until the matter was before us and while we were discussing it, that is one point. The documents could have been put into envelopes. I am not aware of the appropriate procedure, except that it came from the officials of the Senate.

The purpose of the document is not to knock the committee that we know we will be forming in the Senate. The purpose is to make sure that all senators know exactly what happened, exactly what we are doing and what the impact is. I am no longer chair or deputy chair of that committee. I am well aware of that fact. However, the Senate should know what happened and what has been said in the past.

As to whether the honourable senator should like someone to pick the letter up and mail it to his office, that is fine. I could also have another 100 letters printed and mailed to senators' offices. I apologize if I did anything wrong.

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, since I am involved in this issue, albeit unwittingly, I want to say that I read the document. I have seldom seen anything so poorly drafted. This translation of a French text says, and I quote:

[English]

"Please note, this letter is a translation," and I would say a bad translation, "of the original French text. Accordingly, all references in this letter to Section 88 of the Official Languages Act relate to the French version." I have a couple of points to make in that regard.

The act is printed in both French and English. Both languages have equal status. I have always maintained that translators can translate whatever they like from one language to the other, but always say the same thing — not the same word but the same thing.

I do not want to accuse Senator Maheu of playing games with this issue. I got notice. I do not like some of the things that have been said in the letter, such as the House of Commons and Parliament should have been consulted. That does not make any sense.

The House of Commons and the Senate are both Houses and that is Parliament. Why should we consult the House of Commons if we want to create a committee of our own in this place? I do not understand. Why should they feel obfuscated or upset if we do not consult them? It does not make any sense.

I want to come back to the English text of the letter. It reads:

The Act clearly states **one committee...**

That is not true. The act never says "one." The act refers clearly to "The administration of this Act...by such committee of the Senate, of the House of Commons or of both Houses..."

Honourable senators, I regret to say that this letter is an example of a bad translation and a bad document. I thought we had concluded this debate. I gave a speech on this motion yesterday. I hope that Senator Maheu reads it carefully. This document will not be helpful at all in this debate. If the honourable senator wishes to participate in the debate, she should do so. I will listen to her carefully. However, do not use this document made by I do not know whom. I am sure the honourable senator is not the author of the document. She may have signed it, but I am sure she did not write it because she writes much more intelligently than that.



## [Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, since we are talking about this document, I must say that I find it offensive to have received it. I wish to remind the author of that letter that in French the word “section” does not exist in the English sense of “clause” or “section.” The proper term is “article.” A “section” in English is an “article” in French. You can tell the author that he wrote properly in the second paragraph of page two, but that in the rest of the document he refers to “section 88,” which does not exist in French. It exists in English, but not in French.

## [English]

**Hon. Anne C. Cools:** Honourable senators, I should like to say that Senator Corbin is absolutely correct and should be supported in this respect.

The distribution of this document in this chamber is improper. In the last few moments, the discussion has moved from a point of order on to the substantive issues and the contents of the document in particular.

Honourable senators, in the interests of moving the matter along swiftly and carefully, Senator Maheu expresses in her intervention a perfect solution that removes and settles the problem once and for all. All that has to happen is for the pages to pick up the documents and then the honourable senator can distribute them to our offices. The problem is resolved and settled once and for all. This solution would not necessitate a ruling from His Honour or any other discomfort on our part.

I should like to express support for what Senator Maheu had to say. That is the easiest and simplest solution to the problem. Perhaps honourable senators can surrender the documents to the page and that will be the end of the matter.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, to the point of order that was raised by Senator Corbin, I would draw the attention of His Honour to rule 28, which speaks to the manner in which documents are tabled in the chamber.

Reference was made in one intervention in this discussion of whether order has been breached by officers of the house having done something or not having done something. If rule 28 is followed and if a document is properly tabled, then there is some responsibility on behalf of the Table officers. I do not think it is fair to predicate of the Table officers items that have not been tabled.

I agree with Senator Corbin that we must follow the rules carefully when documents are tabled. A number of items do come through the chamber, such as notices. They are non-existent documents as far as house business is concerned. Sometimes they are from a benevolent organization or a charity. Senators receive those documents for what they are. They are not house documents.

As the document in question is printed on the letterhead of a joint committee of the two Houses, then it draws our attention to whether a standing committee, a special committee or a joint committee has a different kind of status.

As has been mentioned, all committees have been *functus* as a result of the prorogation. The only exception I know of is the Standing Committee on Internal Economy, Budgets and Administration, which has a provision for the continuity of that committee.

• (1430)

We are in the process of establishing the committees once again. This is not the only document from a committee that has, to my knowledge, at least, crossed my desk. A week or so ago, a document was circulated under the letterhead of one of our standing Senate committees. That committee, too, was *functus*. Fortunately, the document was not circulated in the house, or I am sure Senator Corbin, who would have had my support, would have asked why it was being circulated.

Hence, there are two questions. The one before us now is that of this document not being tabled. It should have been tabled, if it is to be in this chamber. It is not like other pieces of information that are sometimes circulated. Some might argue that, technically, even those ought to be tabled, if they are to circulate in this house.

The point of order raised by Senator Corbin, as far as this document is concerned, is sustained by the Rules of the Senate.

## SPEAKER'S RULING

**The Hon. the Speaker:** Seeing no other senator rise, I shall attempt to deal with this matter.

Senator Kinsella has referred to provisions in our rules for tabling of documents, of which we have had examples today. They are tabled and they appear in our journals. Occasionally, it is necessary to request leave for a document to be published, depending on the nature of the document and the nature of what it is being tabled.

Apart from that, honourable senators — and I have discussed this as recently as today with members of the Table — our rules, I believe, are silent on the distribution of materials within the chamber. We do distribute materials to facilitate debate. Motions or a copy of a ruling, such as the one given today, are sometimes distributed.

However, we do not have a rule with respect to the type of request that I received from Senator Maheu through the Table, to distribute a document on the basis that the document was of interest and relevant to a matter on our Order Paper that could come up later in the day, and that is the motion of Senator Gauthier, standing adjourned in the name of Senator Comeau.

This matter was discussed at one of the Speaker's advisory committees. It arose out of that discussion that documents should not be distributed, unless, as I have just described, they facilitate debate — for example, a copy of a motion, a ruling or a document that is being recited or spoken to at the moment in the



chamber — and that there should be no distribution without leave of the Speaker. From time to time, I have received requests, to which I have, in my discretion, replied either in the affirmative or the negative.

Today's point of order raised by Senator Corbin has clarified things based on what I have heard said in the chamber. I believe, notwithstanding the practice that has been followed, a good practice would be for no document to be circulated to senators, without leave of the Senate, other than the kind I described earlier, which is in facilitation of a debate or of a statement that is being made, and that would be the best way to leave this matter.

As to the questions of the orderliness of distributing a document with the name of a member of Parliament or the signature of a member of Parliament, that would be addressed if we follow the practice of distributing documents only with the leave of the Senate.

Honourable senators, I believe that addresses the problem that Senator Corbin has raised in his point of order.

[Translation]

### SPEECH FROM THE THRONE

#### ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—MOTION ADOPTED

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of October 8, 2002, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated, commencing on this day.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

### ROUTINE PROCEEDINGS

#### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

##### FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate supplementary estimates 2002-03*) presented in the Senate on October 8, 2002.—(*Honourable Senator Kroft*).

**Hon. Richard H. Kroft** moved the adoption of the report.

He said: Honourable senators, I should like to take a few minutes to explain the contents of this first report of the Standing Committee on Internal Economy, Budgets and Administration.

The committee met on October 8, 2002, to review the proposal for Supplementary Estimates. The report requests funding for five items. The two major items — normalization for the Protective Service and replacement of printing equipment — were approved by the committee in June with the understanding that the administration would absorb the costs of these two items from internal sources until Supplementary Estimates could be obtained. Now is the time to seek that funding, in order to alleviate the financial burden on the administration. The proposed Supplementary Estimates are modest and would see our total Estimates increase by \$969,000, or 1.51 per cent.

In summary, the normalization of the Protective Service is \$260,000; printing equipment, \$599,000; extended leave management, \$50,000; production of committee report, \$35,000; and parliamentary exchanges and associations, \$25,000. The total of those figures is \$969,000.

Honourable senators, time is of the essence in this matter. The last date by which to submit requests to Treasury Board is October 11. To meet this tight deadline, this report must be approved by the Senate before the adjournment of Thursday, October 10. Supplementary Estimates (A) are scheduled to be tabled on October 31, 2002. Honourable senators, I urge you to support the adoption of this report.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

#### SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

##### MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Banks*).

**Hon. Tommy Banks:** Some honourable senators will remember that I took the adjournment on this debate yesterday in the middle of asking questions of Senator Roche. I will ask the questions, but they will be rhetorical since I am not now asking Senator Roche questions.

• (1440)

I agree with everything Senator Roche said, and I place a great deal of weight on what he said. Senator Roche is a man who was chosen by the Government of Canada to be our ambassador to the United Nations, with special responsibilities for disarmament. As Senator Roche has been our representative at the United Nations, he knows a great deal on the subject.

The main thrust of Senator Roche's comment is that nations ought not to act unilaterally or pre-emptively, unless there is a direct attack upon them or upon other nations with which they have a mutual defence pact, without the concurrence of the United Nations. I certainly agree with that stance, and I think that most Canadians do. The government has made it clear that that is the position of Canada in the present circumstances.

I would ask Senator Roche to comment on two things because he sees the present question with great clarity and direct experience. Sometimes there is a different kind of light with which we look at experiences, and hindsight is always 20/20. There is an argument advanced with respect to the situation obtained in Europe before the outbreak of World War II, that a regiment of English riflemen could have marched in and enforced the provisions of the Versailles Treaty. Such a move would have been very unpopular. They would have been called Imperialist bullies. Granted, it would have been unilateral, but if they had done so, there might not have been World War II. Would Senator Roche comment on the possibility of projections sometimes not being what they seem because all projections are based on situations that we know now. As soon as those situations change, then the projection becomes different. The way we would look at it after the fact would become different.

My second question to Senator Roche is a corollary of the contention that Canada says very loudly and rightly to the world, "You must not and we must not act alone. We must act only together, multilaterally, to deal with these situations that arise from time to time." Having said we must act multilaterally, it follows that if our friends with whom we have treaties and with whom we, in those circumstances, agree, we must then be able to get into the boat, or on the train, or into the truck to deliver. We have heard that, these days, that would be a difficult thing for us to do. We have not only heard that, but it has been demonstrated in what is seen by some of us as an embarrassment: We managed barely to put about 800 people on the ground in Afghanistan, but fortunately they did extraordinary things and acquitted themselves extremely well. We could not replace them. When we brought them home after the extent of the time that one can reasonably ask someone to be in the field, we could not replace them.

Therefore, the second comment I ask Senator Roche to comment upon is, if it is right to say that we have to act together, is it also right to say that we have to be able to act together?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am having a hard time following the debate and figuring out who has the floor. It is my understanding that questions are to be asked during the period provided for a

speech, because yesterday the Honourable Senator Roche's time was up.

Will it become common practice for a senator, during the course of his or her speech, to ask questions on the speech made by another senator?

[English]

**The Hon. the Speaker:** Perhaps I can help, honourable senators.

Philosophically you have to understand that my bent in these matters is to facilitate the opportunity for honourable senators to debate, to speak about their positions.

You are quite right, Senator Robichaud, Senator Roche spoke to his motion. His time expired, and Senator Banks took the adjournment of the debate. When taking the adjournment of the debate, he made some mention of his hope that there would be an opportunity for the matter that he wanted to raise with Senator Roche to be raised in his participation of the debate. He took the floor on his own time. I am not sure how much is left, but more than the 15 minutes that he is allowed. During the course of his remarks he invited a question from Senator Roche, and perhaps I was remiss in not being more formal. I will do that now. Would you accept a question from Senator Roche, Senator Banks?

**Senator Banks:** Yes, I would, His Honour.

**Hon. Douglas Roche:** Honourable senators, the question is, does Senator Banks agree with me in this comment.

Senator Banks raised two questions. The first one referred to Europe in its pre-World War II state. There was a certain comparison with the present situation in Iraq; namely, that because Europe was not prepared to deal with Hitler in the period leading up to 1939, a terrible war ensued that should have been avoided. I do not accept the comparison in the time periods because in the present instance, we have the whole machinery of the United Nations that has been built up for the past 57 years, including the International Court of Justice, and many bodies within the UN structure that can build the conditions for peace. Mr. Kofi Annan, the Secretary-General, has pointed to these on several occasions. It is the fullness of those structures, including the centrality of peace and security in the world today which is reposed in the authority of the UN Security Council. The international community, in its wisdom, after World War II, set up the UN with the Security Council as its core. If we move away or deviate to unilateral measures by countries, that will lead us back to the conditions that prevailed before World War II.

On the first point, we have to have confidence in the international structures that the international community has built up and that have worked in many instances, for which they have never been given credit.

The second question is on the capacity of the Canadian Armed Forces to make a contribution to peace and security. They did, in the manner they served in Afghanistan, and I pay my respects to them. Senator Banks wants to know why we do not have the

[Senator Banks]



capacity to do more. This is in the argument that is advanced today that we need more money to go to Canada's defence budget. Canada's defence deserves an appropriate increase, as do other functions within Canadian society.

• (1450)

Here is the point, Honourable senators: We cannot have the quality of spending on Canada's Armed Forces measured by what is spent in the United States today under the Bush administration. In the past year, the Bush administration has increased the defence expenditures of the United States by \$50 billion. They are now spending close to \$400 billion, which is one half of what the entire world spends. Last year alone, the increase was greater than the entirety of the Russian military budget. It is greater than the next 15 countries put together. It is madness for Canada to be setting a criterion of U.S. spending for what we ought to be spending.

There are legitimate calls on the public purse in Canada, including health care and education. Many sectors require spending and cannot be heard just because some people in Canada — I am not saying the honourable senator is one of them — are saying that we must increase our spending to get up to the same level that the United States is spending today. I maintain that is false.

The policies of the Government of the United States are on their Web site and are clear to see. The aim of the government of the United States is for full spectrum dominance in the world in the air, on sea and in space.

Canada has built a deserved reputation. I have reflected on this many times at the United Nations.

**The Hon. the Speaker:** I regret that I must interrupt the honourable senator. I remind him of the rule that, when making a comment or asking a question, that it be brief. I should also advise the honourable senator that there are six minutes left in Senator Banks' time.

**Senator Roche:** I thank His Honour.

Canada's forces have played a role in the totality of Canadian foreign policy that has been centred on peacekeeping for many years. For Canada now to assume that we must have the military strength to go into combat and to fight under the U.S. desire for war that is being talked about and the security policies that are being advanced under the Bush administration is out of kilter with the history, traditions and values of Canada. We must be very careful in saying that we must increase our military spending to keep up with the United States.

**Senator Banks:** I wish to assure honourable senators that the style in which I was speaking when I rose was to continue the debate. I believe I said that my questions were, therefore, rhetorical. I expected that, because this was Senator Roche's motion, he might have time to answer them later.

To answer the question of whether I agree with what the honourable senator has just said, yes, I do. It would be madness to suggest that we should be spending money on the same order of magnitude as the United States, by any measurement — hard

dollars, percentage of GDP, per capita. No Canadian in their right mind would suggest that or even want it if it were to happen. I certainly do not.

I thank the Honourable Senator for his question. My answer is that I agree with him in the main and philosophically.

**Hon. Lowell Murray:** Honourable senators, I have a question for Senator Banks. I should like to know whether he agrees with the central point that the Iraqi regime must disarm or be disarmed insofar as weapons of mass destruction — to use the shorthand — are concerned?

**Senator Banks:** I absolutely agree. That is the central thrust of Canada's position. The position, as I understand it today, of the United States in their argument at the United Nations is that such a resolution must be put forward and that it must include that position.

In response partly to what the honourable senator has suggested, and in regard to what Senator Roche asked earlier, we must have two kinds of capability.

First, we must have a war-fighting capability in the event that the United Nations issues such a resolution and in the event that the conditions of it are not met. We must be at that table if we are to be at the other tables of the world.

Second, in respect of peacekeeping, which we also must be able to do, as opposed to peacemaking, there was a time not very long ago when 1 per cent of the world's population — Canada — provided 10 per cent of the world's peacekeepers. We were at the front of the line every time; we were there in very substantial numbers. We are now ranked thirty-fourth in the world in the provision of peacekeepers in the United Nations and other multilateral undertakings in the world. Both of those situations must be addressed.

**Hon. John G. Bryden:** Honourable senators, I have a question for Senator Banks. The honourable senator made reference to the Second World War and said that it could have been taken care of by a platoon of British riflemen, which would have saved expense and all of that. Would that be analogous to the statement of a functionary of President Bush who said that a single bullet would not cost very much?

**Senator Banks:** That is certainly not the case.

**Senator Bryden:** I believe Senator Banks made reference to the threat and the risk. Does he subscribe to further reasons for the involvement of the President of the United States, including the concern for secured oil supplies, the fact that the President is being hammered about the mismanagement of his own economy going into midterm elections, and that the President is quoted as saying, "This man tried to kill my daddy"?

**Senator Banks:** I am learning more and more every day that, in this place, sometimes when people say one thing they mean something else.

On motion of Senator Taylor, debate adjourned.



## AMERICA DAY IN CANADA

## MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."—(*Honourable Senator Buchanan, P.C.*).

**Hon. John Buchanan:** Honourable senators, I rise to strongly support Senator Grafstein's motion. I will read the motion. It is very important that we all understand what the motion is about:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."

No one is asking in this resolution that this be a statutory holiday in every province. We are talking about a commemorative day. I strongly support the motion. I shall explain why.

For many years, in a political and a government sense, I looked in a different way at the United States of America than I had prior to becoming involved in politics.

• (1500)

I looked to the United States as a country from where many Nova Scotians moved back in the 1920s, 1930s, 1940s and even into the 1950s. It was almost as though people had gone away and were simply coming back home for a visit. It was that kind of situation.

Through the 1970s and, in particular, the 1980s, I learned more about the United States. From 1978 to 1990, I was a member of the Conference of New England Governors and Eastern Canadian Premiers. I learned a great deal about the United States that I had not known before. As well, the New England governors learned much more about Canada than they had known before. We became not just friends, as one country to another, but personal friends over those years.

Honourable senators, I also learned that many Americans in government really did not understand Canada-U.S. relationships. I recall the National Governors Association Annual Meeting in Boise, Idaho, at which the Canadian premiers were given two hours to discuss Canada-U.S. trade relationships. I heard grumbling, as we were heading to the convention centre, from governors of western states and southern states — not governors from the New England States or the northern border states — who said: "Why are we spending so much time with these Canadians? We should be discussing our largest trading partners

in the world, Japan, et cetera." I suddenly realized that many of them did not understand Canada-U.S. relationships. After that session, however, they understood that the increase in trade between Canada and the United States the previous year was equal to the total trade between Japan and the United States. They had a new understanding. Since then, I have noticed that Americans in general, and various governors, senators and members of the house, understand Canada better.

Honourable senators, for the past eight years, I have been a member of the Canada-U.S. Interparliamentary Group, which I have enjoyed. In fact, I enjoy all of those groups. However, quite frankly, the Canada-U.S. Interparliamentary Group is the one for which I have the most time. Members of parliament, both from the Senate and the House of Commons, travel to the United States, and their respective members travel to here. We have a great appreciation for what occurs between our respective countries. There is no doubt that their representatives who attend our yearly meetings understand the relationship between Canada and the United States, that we are the largest trading partners in the world — over \$1 billion of trade each day, which is in excess of \$450 billion per year. That is an incredible figure.

I was asked to speak a few years ago at the tenth anniversary of the Free Trade Agreement in Windsor, Ontario. Some members of this Senate, as well as members of the House of Commons, such as Joe Comuzzi and Susan Whelan, were there, and we talked about this great relationship between our two countries. Standing on the Ambassador Bridge, where about 8,000 trucks pass back and forth each day, one is able to see the tangible relationship between our countries.

Consider as well, honourable senators, that we have the longest, undefended border of any two countries in the world. That is an incredible situation in the year 2002, but it exists. It is the longest, undefended border in the world.

What does that all mean to us? I think it means to Canadians that we understand the United States and they are beginning to understand us much better. For instance, how many in this Senate — and I suspect it will be just about all honourable senators — can say where he or she was on the day that former President John F. Kennedy was assassinated? I can remember where I was, remember hearing about it. I remember watching television for most of that day. I am certain that all honourable senators can remember where they were on September 11, 2001.

As well as being the greatest trading partners in the world, the United States and Canada are probably, Britain included, closer in friendship than any other two countries in the world. Hence, I have no difficulty in recognizing and appreciating what happened on September 11 vis-à-vis the United States and Canada.

Honourable senators, we should never forget that 25 Canadians died in the World Trade Center in New York City on September 11, 2001. Not only were Americans killed in that tragic event, but also Canadians, Americans, Britains and people from other parts of the world. Not only was it an attack by terrorists on the United States, it was an attack by terrorists on our way of life in Canada. There are 25 families in Canada that are grieving their loved ones killed in that terrorist attack.

Honourable senators, I see nothing out of place about this resolution, nor do I have any difficulty whatsoever urging honourable senators to agree to the resolution.

When Senator Grafstein moved this motion, he said:

America now celebrates September 11 as Patriots Day in America, so I think it is right and proper that we commemorate September 11 in Canada as America Day in Canada, a day that changed America, changed Canada and changed the world, perhaps forever.

I agree with that statement. I am hopeful that every member in this Senate agrees with that statement and will vote for this resolution on the basis that we recognize and remember that the events of September 11 changed the world and changed Canada. One change is the strengthening of the great relationship that we have with our neighbour to the south — the United States of America.

Honourable senators, remember one thing: The United States of America has the greatest military force in the world to protect not only the United States of America but also North America, including Canada. Let us never forget that. I will certainly vote in support of Senator Grafstein's motion to establish September 11 as America Day in Canada.

On motion of Senator Bryden, debate adjourned.

• (1510)

## THE SENATE

### MOTION TO RECEIVE LIEUTENANT-COLONEL PAT STOGAN, ARMED FORCES, IN COMMITTEE OF THE WHOLE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.—(*Honourable Senator Robichaud, P.C.*)

**Hon. J. Michael Forrestall:** Honourable senators, it is a great honour for me to rise today to speak to Honourable Senator Kenny's excellent motion for us to call Colonel Patrick Stogran, truly a living Canadian hero, before the Committee of the Whole so that we may hear firsthand of his preparations for and experiences in Afghanistan.

As honourable senators know, Colonel Patrick Stogran was a Commanding Officer of the Third Battalion Princess Patricia's Canadian Light Infantry Battle Group in Afghanistan. The Third Battalion of Princess Patricia's Canadian Light Infantry is a light battalion full of well-trained, highly professional young men and women. They are just as much at home on peacekeeping missions as they are at war. They are the very best of the very best, whether in the desert or jumping from the back of an airplane with a parachute. Colonel Stogran led these brave Canadian soldiers and their American allies through Operation Harpoon in what I believe was our first offensive ground assault by Canadian troops since Korea.

Colonel Stogran had the distinct honour of commanding this battle group in Canada's first dedicated combat troop deployment for the purpose of waging war since the days of the Korean War. Any soldier can tell you that honour, duty and responsibility go hand in hand. Patrick Stogran had the honour — indeed, the greatest honour that any Canadian can ever have — to have responsibility for the lives of 800 young Canadians in this country's service. It was a staggering responsibility. By all accounts, Colonel Stogran was an excellent leader and an unsurpassed soldier. Yet Colonel Stogran, through no fault of his own, will forever have to live with the tragic loss of four young Canadian lives — two from my home province of Nova Scotia and one from my home area of Dartmouth. Thus, with command comes responsibilities and pressures for which nothing can prepare you. Having read an interview with Colonel Stogran sometime after the incident, he described it as "the most awful of his life." I have no doubt that that is true. Colonel Stogran will share that field of honour and, sadly, of horror with General Romeo Dallaire, Lieutenant-Colonel James Calvin and General Lewis MacKenzie, three other modern day, living Canadian national heroes and a host of untold many others.

Colonel Stogran attended Royal Military College where he received a degree in electrical engineering. He then joined the infantry, and I guess he never looked back. Now he has been sent back to National Defence Headquarters as the Director, Land Requirements (Infantry), where Colonel Stogran will be responsible for ordering army equipment — a matter that I touched upon in this chamber earlier today — particularly for his beloved infantry, as he willingly accepted his new responsibilities. Without doubt, he will perform here as well as he did in Afghanistan or in the Balkans on peacekeeping missions.

Honourable senators, Colonel Stogran is a great Canadian. I think it is only right that we invite him to come before the Committee of the Whole in this hallowed chamber to hear his story and, through him, the story of his soldiers. I applaud and urge all senators to support Senator Kenny's motion.

On motion of Senator Robichaud, debate adjourned.



[Translation]

## NATIONAL SECURITY AND DEFENCE

### REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"— GOVERNMENT RESPONSE—MOTION

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Banks:

That, within three sitting days of the adoption of this motion, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, tabled on February 28, 2002.—(Honourable Senator Murray, P.C.)

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am grateful to Senator Murray for yielding the floor to me, since the debate was adjourned in his name.

At the beginning of the sitting, I tabled a document containing the government's response to the report of the Standing Committee on National Security and Defence, tabled last session. This report having been tabled, the motion should be dropped from the Order Paper.

I will move later that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration. It is important to note that a motion must not have the effect of forcing the government to act. A motion cannot require the government to respond to a committee report, only legislation is binding on the Crown.

Honourable senators, prorogation results in all business of Parliament being cancelled, including decisions seeking a response from government to committee reports.

REFERRED TO COMMITTEE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I wish to move that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for review and consideration.

[English]

**The Hon. the Speaker:** Honourable senators, Senator Robichaud has moved a motion, but I am not certain that I followed it properly. Perhaps he could repeat it.

[Translation]

**Senator Robichaud:** Honourable senators, I move that the motion, which is obsolete, since the report has been tabled, be referred to committee for consideration and review.

[English]

**The Hon. the Speaker:** It was moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Rompkey, that the substance of the motion of Senator Kenny, seconded by Senator Banks, be referred to the Standing Committee on Privileges, Rules and Procedure for study.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Lowell Murray:** Honourable senators, I thank the Deputy Leader of the Government for having clarified the issue that motivated me in moving the adjournment of the debate on Senator Kenny's motion in the first place. I was bemused by the impertinence, indeed the audacity of the fact that Senator Kenny was purporting, by motion, to bind the Crown. This is an old argument that goes back many generations.

• (1520)

I recall reading about an argument in the House of Commons in the 1970s, when a motion similar to this or perhaps a draft rule was presented. The then-Leader of the Government in the House of Commons, our old friend Senator MacEachen, objected on precisely the grounds raised by Senator Robichaud today. Since that time, the House of Commons has placed in its Standing Orders a rule that purports to require the government to table a response to committee reports within a certain time frame, in much the same language as contained in Senator Kenny's motion.

I believe successive governments have treated this standing order as an invitation rather than a command because it will be obvious that, as the Deputy Leader of the Government has pointed out, only a law that has been passed by both Houses of Parliament and given Royal Assent can legally bind the ministry.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

### UNVEILING OF PORTRAITS OF SIR JOHN ABBOTT AND SIR MACKENZIE BOWELL AND RESULTING INSIGHTS ON CURRENT EVENTS

INQUIRY

**Hon. Lowell Murray** rose pursuant to notice of October 2, 2002:

That he will call the attention of the Senate to

- (a) the unveiling of the portraits of former Prime Ministers Sir John Abbott and Sir Mackenzie Bowell, on Monday, June 3, 2002; and
- (b) insights to current events to be gleaned therefrom, including the challenge to Prime Minister Bowell by Sir George Foster, his finance minister.

He said: Honourable senators, I am reviving a notice of inquiry that I placed on the Order Paper last June.



My narrative of the events of June 3 last actually begins in the morning, with the annual memorial service in honour of members who had passed away during the year. As it happened, Monday, June 3 was also the morning after the stunning dismissal — if that is what it was — of Paul Martin as finance minister and just a week after the demotion of Don Boudria from Public Works and the firing of Art Eggleton as defence minister.

As politicians and ex-politicians filed into the Commons chamber for the memorial service, there was shock, dismay and anxiety among the Liberals. The memorial service, with its familiar hymns and meditations, seemed to offer them a calm refuge from the political turbulence outside.

Alas, there was to be no respite. Honourable members were jolted back to present issues by the first selection read from scripture by our old friend, retired Senator Richard Stanbury, from James, Chapter 4, Verse 13:

Why, you do not even know what will happen tomorrow.  
What is your life? You are a mist that appears for a little  
while and then vanishes.

Senator Stanbury's well-intended, if infelicitous, exegesis was cold comfort to those Liberals still trying to glean, as through a glass darkly, the possible significance of all this upheaval for their own political careers. Senator Stanbury pressed on:

From Matthew, Chapter 6, Verses 19-21:

Do not store up for yourselves treasures on earth, where  
moth and rust destroy, and where thieves break in and steal.  
But store up for yourselves treasures in heaven, where moth  
and rust do not destroy, and where thieves do not break in  
and steal.

A sensitive Liberal could be forgiven for making a mental note to see to it that, in future, someone more circumspect will be put in charge of the scripture selections. Allusions to moth and rust do not sit well with the anxious supporters of a government now in its third mandate, led by a Prime Minister who first came to Parliament almost 40 years ago.

In the context of the Prime Minister's unfortunate ad lib in Winnipeg about a few million dollars having been stolen in the greater cause of party and national unity, the pejorative scriptural reference to thieves were, from a Liberal perspective, surely inopportune. This event would in normal Liberal times possibly be assigned to the federal sponsorship program, with the Maple Leaf flag covering, as it were, a multitude of sins. However, as a result of recent negative publicity, that possibility seems to be foreclosed, along with some of the companies involved.

If the readings were not such as to cheer up some of the living politicians who heard them, I am sure they provoked much jocularity among our dear departed colleagues, observing the scene from their heavenly perch above. Heath Macquarrie, like Stanbury a pillar of Presbyterianism, must surely have laughed aloud. Finlay MacDonald, a faithful if somewhat irreverent

Catholic, and Jean-Maurice Simard must have roared with mirth. A noted Liberal wit as Sid Buckwold was was probably among the first to twig to the unintended irony of it all. Even Bud Olson, who knew the scriptures at least as well as he knew politics, would not be able to suppress a chuckle.

The day was not over. On the afternoon of Monday, June 3, parliamentarians past and present were convened to the old Reading Room for the unveiling of the official portraits of two former Prime Ministers, Senator, the Honourable John J. C. Abbott and Senator, the Honourable Sir Mackenzie Bowell. Of course, the date for this ceremony had been fixed many months in advance. That it should take place in the midst of the momentous events of June 2002 was a coincidence so exquisite as to verge on the serendipitous.

I shall not attempt today to provide a biographical account of Prime Ministers Abbott and Bowell. That was done thoroughly and well at the unveiling ceremony by Speaker Hays of the Senate and Speaker Milliken of the Commons. I shall confine myself today to commenting on some aspects of their careers that seem to resonate eerily in the context of current events.

Sir John Abbott was chosen upon the death of Sir John A. Macdonald. He had been an able corporation lawyer and CPR director from Montreal, mayor of that city, and former law dean at McGill who served 20 years in the Commons before being appointed to the Senate in 1887. His reluctance to serve as Prime Minister can be appreciated from the following direct quotation:

I hate politics and what are considered their appropriate measures. I hate notoriety, public meetings, public speeches, caucuses and everything that I know of which is apparently the necessary incident of politics — except doing public work to the best of my ability. Why should I go where the doing of public work will only make me hated...and where I can gain reputation and credit by practicing arts which I detest to acquire popularity?

Clearly, he was not an enthusiastic recruit for the Prime Ministership.

On the day after he formed the government, Prime Minister Abbott reported to his colleagues in the Senate. Liberal and Tory senators alike had rejoiced in his appointment, and with it the prospect of more important legislation originating in this house. Senator Power, a Liberal from Halifax, offered a careful understatement:

I do not think — it may be that I should not speak so plainly here — that the position of the Senate in the eyes of the people in this country is so exalted that it will not bear an addition to its dignity.

For his part, the new Prime Minister noted the legislative role of the Senate and its right of inquiry, both of which could be carried forward free of the rancorous party feeling that attached to the elected house. "I never despaired of the Senate," he said, "never thought there was any danger of its functions not being appreciated by the people if it were only true to itself." As for his new responsibilities as Prime Minister, he said:



...the position which tonight I have the honour to occupy, which is far beyond any hopes or aspirations I ever had, and I am free to confess beyond any merits I have —

There were cries of “No, no.”

— has come to me very much in the nature of compromise. I am here very much because I am not particularly obnoxious to anybody.

HON. GENTLEMEN — No, No.

As one of his biographers put it: “Abbott, a grim, tired old corporation lawyer, took up the burden, carried it for eighteen months and found it every bit as bad as he had predicted.”

• (1530)

How bad was it? Well, to begin with, he inherited a scandal in the Department of — you guessed it — Public Works. Hector Langevin, whose name adorns the building across from here where today's PCO and PMO are located, was close, too close, to the contracting firm of Larkin, Connolly & Company. The minister had seen to it that the firm got contracts without the usual competition. Sound familiar? From that firm and others had come large amounts of money for the party treasury. Also sound familiar?

For more than three months, the dirty laundry spilled — if I may mix metaphors — out of this Pandora's box and into the newspapers. Investigators began looking into other departments and found irregularities everywhere. Contracts were signed for larger amounts of material than were needed, the surplus being kept by the contractor. When the investigators finally procured the books of one department, there were whole pages missing from the ledgers, foreshadowing the missing reports of 2002.

Then, as now, there was something of sex scandal. The Postmaster General, John Haggart, had hired a Miss Craig as a clerk. She had worked only intermittently for two months, and then dropped out of sight for five. However, she continued to be paid by a messenger delivering cheques to her sister. Miss Craig was believed to be a girlfriend of the Postmaster General, or a former girlfriend. In those days, the media did not put too fine a point on it, but the *Belleville Intelligencer* let readers draw their own conclusions when it commented: “The case has created a great deal of discussion not only about the Parliament buildings in tones of levity, but in hotel corridors.”

Art Eggleton and his former lady might well wish for such opaque reporting of their personal and political relationship and what some would call the overlap between the two.

Abbott was not in the best of health, and these problems did not improve his disposition. In November 1892, he went to England, ostensibly in search of medical advice. While there, he sent in his resignation as Prime Minister and was succeeded by Sir John Thompson, who had been de facto leader of the government in the House of Commons. Tragically, Thompson died two years later. Again, the Governor General and his advisors in the governing Tory Party went to the Senate for a Prime Minister, this time Sir Mackenzie Bowell, who took office on December 21, 1894. Bowell got a reputation as somewhat indecisive when he could not make up his mind what inscription to put on the cabinet's funeral wreath for Mr. Thompson. “Just do not put ‘With Kind Regards,’” he was quoted as saying.

Bowell was a newspaper owner and editor from Belleville, Ontario. He served 25 years in the Commons and became a senator in 1892. I trust honourable senators will not be too shocked to hear that Bowell's Minister of Finance, Sir George Foster, opposed and undermined the Prime Minister from the beginning. Foster wrote to a friend that Bowell was old, vain and so suspicious he thought every time he saw two ministers talking together that they were plotting against him. Honourable senators, as Henry Kissinger is believed to have said, and as Prime Minister Chrétien would verify, “Just because I'm paranoid doesn't mean they're all out to get me.”

Bowell had been Grand Master of the Orange Lodge in British North America. He had little sympathy for Roman Catholics or French Canadians, but he was almost the only political leader who emerged from the Manitoba Schools controversy of the 1890s with any honour. In 1890, the Liberal provincial government abolished French as an official language and set up a single system of non-sectarian public schools. The issue was hotly argued in the courts of Manitoba, Canada and at the British Privy Council. It bedevilled the governments of Macdonald, Abbott, Thompson and Bowell.

Notwithstanding his own religious beliefs, Bowell was determined to uphold the law and the Constitution. He supported remedial action to restore the rights of the Roman Catholic minority in Manitoba. For that, and other reasons, seven ministers who had long chafed under his leadership, led by his finance minister, resigned their offices a couple of days after they had presented a united front in a Throne Speech to open a new session in January 1896. The next day, Bowell told the Senate that his proposed remedial legislation

was but...giving to a portion of Her Majesty's subjects who have been deprived of their rights that which the Constitution and the highest court of the realm stated that they were entitled to — I feel it my duty, as far as in my power lies, to see that the remedy is given.

Many months later, the issue would be joined. The principled position lost. Sir Wilfrid Laurier's sophistry and political opportunism carried the day, won the 1896 election, and cost the Manitoba minority their constitutional rights for more than 80 years into the future.

In the House of Commons, the departed Minister of Finance insisted that there had been “no disagreement between ourselves and the Premier upon any question of public policy.” The words are almost identical to those used last June by Eddie Goldenberg as he spun from one media outlet to another to explain the departure of Paul Martin. One hundred and six years later, in the spring of 2002, it was the Prime Minister insisting that there is no policy difference and his former Finance Minister suggesting the contrary.

In the Commons, Sir Richard Cartwright, a Liberal MP, asked:

What sort of opinion are we to suppose these honourable gentlemen entertain of each other, if they have been sitting in Council, devising schemes for the welfare of Canada from day to day, and entertaining the opinion which apparently they must have entertained of each other, if we are to place the smallest reliance on the statements which have been circulated, broadcast through the newspaper press. I will say this one thing in conclusion before these hon. Gentlemen

rise, as I trust they will, to give some sort of explanation to the House of their extraordinary conduct, and it is that for my part I am prepared to grant — and I hope and I believe my friends are prepared to grant — the fullest consideration to the present first Minister, Sir Mackenzie Bowell, who, whatever his faults and sins may be, appears, so far as we can see, to have acted straightforwardly under very difficult circumstances indeed.

In the event, a rather torturous arrangement was made. Bowell was to remain as Prime Minister for another few months. Sir Charles Tupper returned from his post as High Commissioner to London, rejoined the cabinet and became Prime Minister upon Bowell's resignation three months later. It availed them nothing. The process had been so long and painful as to be fatal for the government. They were easily defeated by Laurier in the general election later in 1896.

The lesson in all this for the putative successors in Mr. Chrétien's cabinet and caucus, and for others who desire his early departure, is this: Do not prolong the agony.

The words are not from the Scriptures.

**The Hon. the Speaker:** Senator Murray, I am sorry to interrupt, but your time has expired. Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Murray:** The lesson is this: Do not prolong the agony.

The words are not from the Scriptures but they are the words the immortal bard placed on the tongue of his Macbeth: "If it were done, when 'tis done, then 'twere well it were done quickly."

**The Hon. the Speaker:** If no other senator wishes to speak to this inquiry, it is considered debated.

• (1540)

[Translation]

## ILLEGAL DRUGS

### REPORT OF SPECIAL COMMITTEE—INQUIRY—DEBATED ADJOURNED

**Hon. Pierre Claude Nolin** rose pursuant to notice of Wednesday October 3, 2002:

That he will call the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.

He said: Honourable senators, I am very proud to begin this inquiry on the final report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy."

Honourable senators, when we tabled our report with the Clerk of the Senate on October 3, we had little doubt that newspaper headlines would focus on the legalization of cannabis.

However, it would be wrong to limit coverage to our recommendation to the creation of a criminal exemption that would allow controlled access to cannabis.

The recommendations contained in the report are much broader, and have a much greater scope than the simple legalization of cannabis.

We set guidelines for a real public policy on all psychoactive substances, including drugs, tobacco and alcohol.

We supported these guidelines through a process of reflecting on the guiding principles and through a careful assessment of the knowledge and scientific research.

We took care to study the situation in other countries and to compare a variety of public policy options.

I will develop each of these points to conclude with the rationale for a policy allowing for controlled access to cannabis. Why should we develop a public policy on psychoactive substances that is general, effective, and encourages responsibility?

It could just as easily be argued, as the free market supporters do, that there is no need to have any state control over what citizens decide to put in their mouths.

What, after all, justifies state intervention into matters that are, to a certain point, personal decisions?

The state regulates numerous other social issues and consumer goods already, from drugs and foods to the environment, not forgetting infant toys.

Analogies are insufficient, however, because in a number of these cases critics of state interventionism have called for the government to pull out of these areas and leave the market to regulate itself.

Since users consider this the least harmful of all psychoactive substances and since there is little harm to society from it, cannabis is an ideal point from which to examine what justifies state intervention.

Among the points made in our report were the following: cannabis use does not escalate to the use of more dangerous and more harmful drugs; does not lead to violence; does not cause lack of motivation and academic failure among young people; nor does it cause irreversible damage to the cognitive and cerebral functions of users.

We also demonstrated that, even though a degree of tolerance can develop, and even though a certain proportion of regular users — some 10 to 20 per cent — are at risk of developing dependency, this dependency is far less severe than those related to other drugs, including alcohol and nicotine.

We found that there were a variety of patterns of use, not all of which were abuse.



We made a distinction between experimental and regular users, who in fact together make up the majority of users, and users at risk and abusers, who appear to comprise 0.5 per cent and 0.3 per cent respectively of the adult population between the ages of 18 and 65, some 20 million Canadians.

Approximately 10 per cent of this adult population had used cannabis in the previous 12 months. We proposed four criteria to distinguish between heavy users and others: context, quantity, frequency, and duration and intensity.

Cannabis is nevertheless a psychoactive substance, generally smoked, with a number of potentially negative consequences, including impairment of short-term concentration, memory, and motor coordination, possible carcinogenic effects and risks of bronchopulmonary diseases as well as possible negative effects on users under 16 years of age because of their immature cerebral system.

Also, combined with alcohol use, which young people often do on festive occasions, cannabis significantly impairs driving abilities.

I will add that criminalizing cannabis has various perverse effects: it fosters crime rings, which breed violence and corruption; it puts buyers in contact with potentially criminogenic elements; and it makes it impossible to control the quality and THC content of cannabis.

In short, while not particularly harmful in itself, cannabis still presents hazards to the health and well-being of users. This is the main reason behind government intervention: public health.

Once it has been established that government intervention is justified, one must wonder what form the intervention ought to take. This is where our reflection on the guiding principles becomes really meaningful.

Several honourable senators will remember that the Le Dain Commission tabled its report on cannabis — or should I say three reports, given that two of its members submitted minority reports — in 1972.

The members did not disagree among themselves so much on the interpretation of the research data as on what it would mean in terms of public policy.

Professor Line Beauchesne described the attitude of majority members as paternalistic, seeking to protect users against themselves, that of Mr. Campbell as moralistic, seeking to impose the moral values of the majority, and that of Ms. Bertrand as liberal, based on responsibility.

The committee considered the respective roles of ethics, governance, criminal law and science, based on four excellent working documents, including those authored by Professors MacDonald and Pires.

We basically concluded that state intervention on matters of psychoactive substances must be based on the following principles: the ethical principle of reciprocal autonomy at responsibility. Under this principle, it is not up to us to decide for others, even in their best interest, but to promote autonomous decision-making and to recognize the inherent differences in everyone: a principle of governance based on the need to assist human action, in other words, governing is not about controlling, but rather encouraging the exercise of responsible freedom; a legal principle whereby criminal law must not intervene unless human action causes harm to others, and a scientific principle whereby knowledge, which is always incomplete and in eternal and necessary construction, can help, not replace, people, communities and governments, when decisions have to be made.

Based on these principles, State intervention on psychoactive substances will essentially consist of providing intelligent information and education on various substances and their uses, risks, and dangers; supporting those who use them excessively or dangerously, and fighting illegal trafficking and driving vehicles or operating complex machinery while under the influence of these substances.

For this reason, the Senate Special Committee recommended that Canada develop a real integrated strategy that covers all psychoactive substances.

If Canada needs such a strategy, it is because there is clearly no such strategy in place.

Unlike most other western industrialized countries, there is no place in Canada where leadership on this can take root. With all due respect for the political and administrative staff at Health Canada, this department is not, nor should it be, the place for this to occur.

In order to ensure a true “interdepartmentality” that would break through the isolation between departments and also to ensure national and even international visibility for a Canadian public drug policy covering all drugs, it is essential that a strong national secretariat be created.

We followed, among others, the French practice concerning interdepartmental missions. In a federation like Canada, a national policy is not only a responsibility of the federal government. Its development must necessarily involve the provinces and territories, the municipalities, community social and health organizations and, of course, police forces.

This is why we recommended that such a strategy include a national conference for all these partners, to identify priorities, set objectives and propose indicators of success, on a five-year basis.

Finally, a national policy cannot overlook knowledge, tendencies, practices, epidemiological research and basic research.

Yet, among industrialized countries, Canada is also one of the very few that does not have a national observatory and that does not regularly conduct use surveys among the general public.

As for surveys targeting students, they are only conducted in a few provinces and they use different timeframes and different instruments, thus seriously limiting the possibility of effectively comparing the data.

In order to remedy these serious shortcomings and to reinforce coordination between the various levels of intervention, identification of good practices and assessment of the situation, we recommended changes to the Canadian Centre and creation of a true monitoring centre within that centre. I should clarify, I mean what is called in French le Centre canadien de lutte contre l'alcoolisme et les toxicomanies.

It is high time that this moralistic terminology was gotten rid of. It can be seen that there is a slightly different approach in the two languages, where the French might be translated as anti-alcoholism and anti-addiction, the English is merely the Canadian Centre on Substance Abuse.

It can be seen that the English title is less emotionally charged. This is not because of any lack of possibilities in the language of Molière. What is involved is not any kind of a battle, but rather empowerment, making it possible for stakeholders to do true prevention work, giving young people, among others, the tools to understand the differences between the various substances and their uses, and to use responsibly, and equipping decision-makers with the tools to make informed decisions about consumption rather than basing their thinking on myths and beliefs.

This is not an addiction, but rather a dependency. We cannot continue to term any and all illegal drug use drug abuse, as is done now because of the illegal nature of the substances concerned. Canadians let us know in the survey we commissioned that, regardless of what decisions are reached about legislation, they want to see informed debate and not keep being told just anything.

We believe that, with this report, our committee has succeeded in accomplishing the most important thing, which is to trigger a debate on the basis of rigorous information and not myth.

What about legislation? It was clear to the committee that the legislation, criminal legislation in particular, is but one aspect of a public policy on psychoactive drugs, although of course it has its role to play.

Yet, just as no one would think of reducing public interventions on alcohol or tobacco to nothing else but the Criminal Code, similarly one may well wonder why criminal legislation and its enforcement are of such importance, and are the main focus of any discussion of "other drugs."

We can try to tinker a bit with criminal law here and there, we can tinker all we want in fact, but criminal law will always have a limited use in any policy on psychoactive substances, and it often does more harm than good.

It is fascinating, even disturbing, to see to what extent any discussion on illegal drugs places criminal law at the centre of the debate. Obviously part of the blame, at least, lies with the international conventions that have come down increasingly hard on the source plants from the South, while establishing a system of controlled access to synthetic drugs manufactured by northern pharmaceutical companies, often from the very same source plants.

What is more, when we see to what point national legislation varies between different countries, we cannot help but acknowledge that these conventions leave room to manoeuvre that is often overlooked.

Having established that criminal law must only enter into the equation when there is a significant risk of harm being caused to others, having established that policy on psychoactive substances must first target public health, and having also established the characteristics of cannabis, it came as no surprise that the committee concluded that criminal law did not have much to do with it all.

[English]

**The Hon. the Speaker:** Honourable Senator Nolin, I regret to advise you that your 15 minutes have expired.

[Translation]

**Senator Nolin:** I have about six minutes worth of text, excluding questions.

[English]

**The Hon. the Speaker:** Honourable senators, is it agreed that Senator Nolin continue?

**Hon. Senators:** Agreed.

[Translation]

**Senator Nolin:** Honourable senators, some maintain that, in spite of all this, criminal sanctions remain the last defence against rampant use. We have clearly shown that the harshness of criminal provisions has no bearing on the use of drugs.

In countries as repressive as the United States, Canada or Sweden, the rates are such that the first two are at the top of the list, while Sweden is at the bottom. Rates for countries as tolerant as Spain, Italy, the Netherlands or Portugal are average in the case of the first three, while Portugal is also at the bottom of the list. Tendencies with regard to use vary according to factors that we do not know, but that are not related to prohibition.

We have estimated that, in Canada, over 13 per cent of those aged 12 to 65 have used cannabis during the past 12 months. More significant is the fact that we have estimated that about 225,000 young Canadians aged 12 to 17 use it daily, I repeat, daily.

I cannot say whether the amount used is significant or not, or whether it is used before going to school or before going to bed, but these young people use cannabis on a daily basis. They account for close to 10 per cent of all young people in this age group, which includes some 2.5 million Canadians.



And these young people use this drug even though they know that they could be arrested, even though they know that the police conducts investigations in schools and spends millions of dollars on the DARE program, which is really ineffective, as we know. It seems to me that these figures speak for themselves.

And what about cutting off the supply? In Canada, impressive police resources with huge powers have not changed anything: cannabis is just as available as before, and this is true anywhere in the country. Thirty years after the report of the Le Dain commission, the findings are conclusive in this regard.

Some will argue that police resources are inadequate, but how far should we go? In Canada, the involvement of the justice system in illegal drugs accounts for over 90 per cent of all public expenditures in this area. We estimated that costs relating to illegal drugs — the main one being the cost relating to police officers — amounted to about \$1.5 billion, or \$50 per capita every year.

More than 25,000 Canadians are convicted each year for simple possession of cannabis and, in each case, contrary to the oft-repeated rhetoric, simple possession is the main offence.

I repeat, how much further do we want to go? Surely, a minimum of imagination and creativity could be used, and consideration given to using alternative methods to improve the efficiency of public actions concerning psychoactive substances. This is why the Committee recommended that a criminal exemption scheme be created, providing for controlled access to cannabis.

It was alleged that the number of users would increase. Certainly. Numbers will grow for a while; then, as observed in other countries, they will stabilize, and perhaps even drop. During that time, we will finally be able to carry out real prevention with respect to at-risk uses, and not delude ourselves into thinking that lines advocating abstinence, such as “just say no,” are effective.

Academic failure will increase, they say. Failure is not due to cannabis use, but rather to the existence of other underlying factors, which are aggravated or revealed by cannabis use. Tools to prevent at-risk use, which enable the teaching staff to recognize the signs, in combination with meaningful assistance resources for troubled youth, are much more appropriate than the threat of criminal sanction.

You are giving up and sending mixed messages to young people. We say: “Let us be clear and unequivocal; let us not encourage cannabis use.” We note its use. And we want to give society the tools and means to foster a sense of responsibility instead of blaming and making people feel guilty.

It is unethical to let young people smoke a psychotropic substance. It is even more unethical to play the game of organized crime and maintain the vicious circle of eternal struggle, corruption, violence and attraction for young people because of the appeal of easy money.

But whatever decision is made regarding legislation, let us at least bear in mind that it is but one element of public action and that, in a free and democratic society, a balance must be struck between the necessary government control and the fundamental rights and freedoms of the people.

• (1600)

More important, in an advanced modern society in which we can define our individual destinies without the traditional benchmarks of religions or of a single morality, we must promote the concept of accountability and a sense of deliberate belonging to the community.

I will conclude by pointing out how proud I am of the approach used by our committee. In spite of limited resources and a fragmented 28 month timeframe, we have managed to provide a framework for a more rational debate on psychoactive substances and to provide Canadians with more balanced information and well-argued positions. I hope that our report will not only benefit Canadians, but will also be a source of inspiration and reflection for the international community, so that policies on psychoactive substances that are not merely based on first degree truisms can be developed. Allow me to conclude with this most lucid quote from a U.S. president, who was a true visionary in his time:

[English]

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A Prohibition law strikes a blow at the very principles upon which our government was founded.

[Translation]

These are the words of Abraham Lincoln.

On motion of Senator Prud'homme, debate adjourned.

[English]

## NATIONAL SECURITY AND DEFENCE

### REPORT ENTITLED “CANADIAN SECURITY AND MILITARY PREPAREDNESS”—GOVERNMENT RESPONSE—MOTION—ORDER DISCHARGED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Banks:

That, within three sitting days of the adoption of this motion, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, tabled on February 28, 2002.

**The Hon. the Speaker:** Honourable senators, before calling for the adjournment motion, just to clarify our work today, I draw to your attention that it was agreed, on motion of Senator Robichaud, that the subject matter of Motion No. 6 by Senator Kenny be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. I should like to ask

agreement of honourable senators to modify the motion to add the words "if and when the committee is formed" and, further, that the motion of Senator Kenny be discharged from the Order Paper in that the subject matter has been referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Is it agreed, honourable senators?

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I find this procedure rather abrupt because Senator Kenny is not here to participate in the debate. In his absence, perhaps we are proceeding in the right direction, but since he is the proposer of the motion, I should like to hear his views on this matter. I am sorry that is not being done. Unless there is undue haste to have this done, I would rather wait for our return after the Thanksgiving break or until tomorrow, if he is here, to carry on the debate.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I moved that this motion be referred to committee because I tabled the documents at the beginning of the sitting. This motion asks the government to produce a response to the first report of the Committee on National Security and Defence from the last session. The motion is no longer relevant, since the response has been tabled. Referring this motion to committee will allow us to know what the procedure will be, in future.

**Hon. Roch Bolduc:** Honourable senators, I am not an expert on parliamentary procedure, and without meaning to criticize His Honour, I find it strange to use the conditional: "when and if we do such and such a thing, we will be able to proceed." It becomes a precedent. His Honour's ruling was based on a ruling handed down from one or two years ago. As far as I am concerned, this is not practical. It means nothing. It will not happen until the committee is created. Let us wait until the committee is struck. This is not an urgent matter of war and peace for the country. We are talking about studying a report by a Senate committee.

[English]

**The Hon. the Speaker:** Apparently there is no agreement, so the motion will stand as originally moved.

I wish to draw the attention of honourable senators to the fact that this issue was the subject matter of an earlier ruling. I will not take the time to read it. However, the ruling indicated that it is in order to have a motion on the Order Paper that was put and passed. The only thing of significance is that on the basis of the ruling, such a motion would not be debatable until such time as the Rules Committee is formed. The only way that could be done is if the motion anticipated that the matter would be dealt with beforehand.

In any event, the matter will stand as it is. The motion of Senator Kenny will remain on the Order Paper because leave has not been granted to remove it, although I am not sure whether it is in order to participate with debate on a motion asking to do something which has been done. However, that issue will only come up if Senator Kenny wishes to speak to it.

To remind honourable senators, earlier today, under Tabling of Documents, Senator Robichaud tabled the government's response to the report of the National Security and Defence Committee, which was what the motion of Senator Kenny asked be done. However, the motion will remain on the Order Paper.

**Senator Lynch-Staunton:** I missed the tabling of the report by Senator Robichaud. That explanation quells my anxieties. I apologize for what I have said because it was done without total knowledge of the facts. I appreciate being reminded of what Senator Robichaud did earlier.

**The Hon. the Speaker:** I will put that aspect of my question again. Is leave granted to discharge the motion?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The motion will be discharged, but it is in order. I refer honourable senators to the ruling given earlier this week as to how we might proceed.

The Senate adjourned until Thursday, October 10, 2002, at 1:30 p.m.



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CANADA

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OFFICIAL REPORT  
(HANSARD)

Thursday, October 10, 2002

THE HONOURABLE DAN HAYS  
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, October 10, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### PRIME MINISTER'S OFFICE

HER MAJESTY QUEEN ELIZABETH II'S GOLDEN  
JUBILEE—NAMING OF PREMIERS TO  
PRIVY COUNCIL TO COMMEMORATE OCCASION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, tomorrow and the next day, the capitals of Canada and of New Brunswick will welcome Her Majesty Elizabeth II, Queen of Canada. I am confident that the people of Fredericton, as representatives of all the people of New Brunswick, will continue to express the affiliation and affection that has been shown by Canadians who have greeted the Queen to date on this, her jubilee visit. I am equally confident that the people of the National Capital Region will be as gracious and pleased in their welcome.

Given that this special royal visit is being held on the occasion of the fiftieth anniversary of the coronation of the Queen of Canada, I would recommend that the Government of Canada mark this unique occasion by appointing all sitting premiers of Canada as members of Her Majesty's Privy Council, such as was done on the occasion of Her Majesty's visit to Canada in 1982 and at the centennial anniversary of Canada in 1967.

#### BRITISH COLUMBIA

TRINITY WESTERN UNIVERSITY—  
OPENING OF LAURENTIAN LEADERSHIP CENTRE

**Hon. Gerry St. Germain:** Honourable senators, I wish to advise all honourable senators of the recent expansion of one of British Columbia's finer academic institutions. Trinity Western University, of Langley, B.C., has this week officially opened its Ottawa campus, Trinity's Laurentian Leadership Centre.

The Laurentian Leadership Centre is geared toward third- and fourth-year students who plan a career in business, computing science, communications, history, international studies or political science. Students learn about leadership, public policy, ethics and contemporary culture from fully qualified professors, and they benefit from the insight of guest speakers who are leaders in government and industry. Their internship enables them to learn directly from members of Parliament, CEOs in business and the information and technology sector, media or communications professionals or from personnel involved in a private organization. Students learn from the very people who may become their future employers, and they observe how these leaders address the weighty issues of leadership.

The purpose of the Laurentian Leadership Centre is to advance the mission of Trinity Western University by: introducing students to the operation of the federal government and the

political and business culture of Ottawa by enabling students to experience the workings of various offices in Ottawa through internships; enabling Western Canadian students to appreciate and eventually compete for federal government positions and offices; preparing some of Canada's future leaders in accordance with the university's mission by enabling students to see how Christians work in business and non-government organizations in the expectation that some of them will aspire to public service.

The Laurentian Leadership Centre is located at the former Laurentian Club, the one-time home of J.R. Booth, at 252 Metcalfe Street.

I want all honourable senators to know that Trinity Western is open to all, regardless of race, colour or creed. It is a great institution, right next door to where I live. I believe all honourable senators will join me in welcoming the Laurentian Leadership Centre to Ottawa.

#### BREAST CANCER AWARENESS MONTH

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to draw your attention to a disease that plagues this country. This month, Canadians across the country will be raising awareness of breast cancer.

I am happy to report that the number of deaths due to breast cancer has been declining in Canada. According to the Canadian Cancer Society, the death rate of people with breast cancer was 33 per cent in 1992, whereas it is estimated to be 26 per cent for this year. This is the lowest death rate since the 1950s.

As heartening as these statistics are, we still have a fight to continue. The breast cancer statistics are overwhelming. On average, 394 Canadian women will be diagnosed with breast cancer every week; 104 Canadian women will die of breast cancer every week; 1 in 9 women is at risk of developing the disease.

I am sure that breast cancer has touched all of us in some way, whether it is a mother, sister, wife, daughter or a friend who has suffered. It is my hope that the trend continues and the rate of deaths declines as we strive for a cure.

While it is important to raise awareness of breast cancer year-round, Breast Cancer Awareness Month provides an opportunity for Canadians to learn about the disease, about the importance of early detection and about preventive measures. It is also a time for us to remember those who have lost their lives to this disease.

#### CONFERENCE OF DEFENCE ASSOCIATIONS

REPORT ENTITLED "A NATION AT RISK"

**Hon. J. Michael Forrestall:** Honourable senators, it gives me great pleasure to stand in this chamber today and to commend the hard work and dedication of the members of the Conference of Defence Associations, as exemplified in their recent report on the

crisis state of the Canadian Forces, entitled: "A Nation at Risk." I should also like to associate my party, the Progressive Conservative Party of Canada, and myself with this report and its important conclusions.

The report demonstrates, credibly, that the Canadian Forces require an emergency budget infusion of some \$1.5 billion just to ensure that there is no further erosion of the military's operational readiness and capabilities. This point is not new; it is an echo of the Auditor General's earlier report, as well as reports from the Royal Canadian Military Institute, the Council for Canadian Security in the 21st Century, the Standing Committee on National Defence and Veterans Affairs and its Finance Committee in the other place, and the Standing Senate Committee on National Security and Defence of this hallowed chamber.

• (1340)

I should also like to thank especially the chief author of the report, Colonel Sean Henry — the dean of defence analysts in this country — and his colleagues, Dr. Richard Gimblett, Dr. Donald MacNamara, General Robert Morton, Colonel Howard Marsh, John Selkirk and Hugh Smith. These men have made a valuable contribution to the defence debate in this country, and I ask honourable senators to support their plea on behalf of a great national institution, the Canadian Armed Forces.

## HERITAGE

### GRANT TO BILL REID FOUNDATION

**Hon. Jack Austin:** Honourable senators, I rise to express my appreciation and that of many British Columbians and Canadians for the decision of the Government of Canada and, in particular, the Minister of Canadian Heritage the Honourable Sheila Copps, to provide up to \$500,000 to the Bill Reid Foundation, to ensure that the part of his art owned by his estate and by his wife, Dr. Martine Reid, can be purchased by the Bill Reid Foundation and thereby made available to the Canadian public, on permanent exhibition.

The Bill Reid Foundation comprises both a board of directors and a council of advisers made up of Haida artists and leaders of the Haida and other Aboriginal communities. Bill Reid's daughter is included, as are a number of Canadian and British Columbian cultural and business persons. Former Prime Minister the Right Honourable Kim Campbell is an adviser to the foundation.

At this time, the Bill Reid Foundation has been in operation for over three years and has raised funds for its operations. Currently, it holds \$500,000 in private donations toward this purchase obligation. Once it has acquired the collection, it will seek further private funds toward display of the collection and, of course, to make further acquisitions.

Bill Reid is among the leading artists of Canada, and his sculptures, totem poles, handmade jewellery and prints are highly prized by collectors. He is equally significant for leading a popular revival of Pacific Coast indigenous art forms and training many talented people who follow in his art field.

I know that Canadians who visit our embassy in Washington take great pride in *The Spirit of Haida Gwaii*, a bronze depiction

of a Haida legend. There is nothing like it in Washington and it represents something distinctly Haida and Canadian.

## WORLD SIGHT DAY

**Hon. A. Raynell Andreychuk:** Honourable senators, in poor communities around the world, people are going blind at an alarming rate. One person in our world goes blind every five seconds. One child goes blind every minute, whether due to lack of sanitation, nutrition, education or health care. Blindness is, without a doubt, one of the most severe of disabilities. This is especially true for people already struggling to find security and enough food to eat. For them, their eyesight truly is a matter of life and death.

Canada has an opportunity to play a leadership role in reversing this trend of global blindness. At present, there are 45 million blind people in the world and another 135 million with severe vision impairment, or what we would consider legal blindness, comprising a total of 180 million people — six times the population of Canada — with a disabling degree of visual impairment.

Eighty per cent of this blindness is avoidable and 90 per cent of the world's blind people live in the developing countries. Statistics show that this is an increasing trend. Without proper intervention, the number of blind will increase to 75 million by the year 2020. It is time for this serious health issue to appear on the agenda of international relief.

On the occasion of World Sight Day, October 10, we should join forces to draw attention to the significant issue of global blindness. In cooperation with Vision 2020: The Right to Sight, an initiative of the World Health Organization and the International Agency for the Prevention of Blindness, it is hoped that the major causes of preventable blindness will be eliminated by the year 2020.

I ask honourable senators to help by drawing attention to this terrible problem both in Canada and in your international sphere of influence. The children need your help.

## VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding with the routine business of the day, I should like to draw your attention to the presence in the gallery of Mr. Salim Sultan Al-Ruzaqi, First Secretary at the Embassy of the Sultanate of Oman in Washington accredited to Canada. He is here at the invitation of the Department of Foreign Affairs and International Trade and, today, is the guest of the Honourable Senator Prud'homme.

On behalf of senators, we welcome you.

**Hon. Senators:** Hear, hear!



[Translation]

## ROUTINE PROCEEDINGS

### ACCESS TO INFORMATION

#### COMMISSIONER'S RESPONSE TO REPORT OF ACCESS TO INFORMATION REVIEW TASK FORCE TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour, pursuant to section 39 of the Access to Information Act, to table the response to the report of the access to information review task force, a special report to Parliament by the Canada Information Commissioner.

### ILLEGAL DRUGS

#### REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

**Hon. Pierre Claude Nolin:** honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table an interim report relating to the expenditures incurred to date and an estimate of unaccounted expenditures by the Special Senate Committee on Illegal Drugs incurred during the First Session of the Thirty-seventh Parliament.

[English]

### SPECIES AT RISK BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the protection of wildlife species at risk in Canada.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Orders of the Day for second reading, two days hence.

[Translation]

### PEST CONTROL PRODUCTS BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Morin, bill placed on the Orders of the Day for second reading, two days hence.

• (1350)

[English]

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Jaffer, bill placed on the Orders of the Day for second reading, two days hence.

[Translation]

### COPYRIGHT ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-11, to amend the Copyright Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading, two days hence.

[English]

### PHYSICAL ACTIVITY AND SPORT BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-12, to promote physical activity and sport.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading, two days hence.

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

**Hon. Leo E. Kolber:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than June 19, 2003.

[Translation]

### THE SENATE

#### NOTICE OF MOTION TO AUTHORIZE A COMMITTEE TO STUDY REPORT ENTITLED "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"

**Hon. Jean-Robert Gauthier:** Honourable senators, I give notice that, pursuant to rule 57(1)(a), Tuesday next, October 15, 2002, I will move:

That the report entitled "Environmental Scan: Access to Justice in Both Official Languages", revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to a Senate committee for study and report;

That the committee be authorized to hear witnesses, visit official-language minority communities and ensure follow-up on this important report, in order to articulate the idea of restorative justice, in the framework of which the offer of services, in both official languages, should be mandatory; and

That the committee clarify the exercise of language rights by proposing amendments, in particular to the Divorce Act, the Bankruptcy Act, the Criminal Code, the Contraventions Act and, consequently, to other acts where applicable.

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

**Hon. Yves Morin:** Honourable senators, I give notice that on Tuesday next, October 22nd, 2002, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the document entitled "Santé en français — Pour un meilleur accès à des services de santé en français";

That the papers and evidence received and taken by the Committee in the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report no later than December 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

[English]

### NATIONAL SECURITY AND DEFENCE

#### GOVERNMENT RESPONSE TO REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"—NOTICE OF INQUIRY

**Hon. J. Michael Forrestall:** Honourable senators, I give notice that on Tuesday, October 22, 2002, I will call the attention of the Senate to the government response to the report of the Standing Senate Committee on National Security and Defence entitled: "Canadian Security and Military Preparedness," tabled in the Senate on Wednesday, October 9, 2002.

### QUESTION PERIOD

#### PRIME MINISTER'S OFFICE

#### HER MAJESTY QUEEN ELIZABETH II'S GOLDEN JUBILEE—NAMING OF PREMIERS TO PRIVY COUNCIL TO COMMEMORATE OCCASION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate.

In 1967, which was Canada's centennial year, the Honourable Mr. Martin, who was at that time the honourable member for Essex—East, advised the other place that they would be interested to know that on January 11, 1967, the Prime Minister announced that he was pleased to advise that His Excellency the Governor General had been pleased to approve his recommendation that the premiers of all the provinces of Canada be appointed members of the Queen's Privy Council for Canada and that the membership of the premiers in the Privy Council, according to Mr. Martin, in that particular year symbolized, in a most fitting way, the unity and diversity that is so basic a feature of the history of this country. It was the achievement and preservation of that unity, while respecting the diversity that the provinces embody, to which Sir John A. Macdonald devoted his life.



Therefore, earlier today, during Senators' Statements, I drew the attention of the house to the fact that we are in the Golden Jubilee year, an occasion of great moment in our history. I spoke about the importance of marking these great occasions, as Prime Minister Trudeau did in 1982, when he recommended to the Governor General the appointment to the Privy Council of all sitting premiers of Canada.

Will the minister bring this matter to the cabinet table? Perhaps she might even lend her support to the recommendation.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Honourable Senator Kinsella makes an interesting proposal. As we all know, 1967 was the centennial year of Canada, the celebration of our one-hundredth birthday as a people. In fact, it did reflect our unity and diversity with the announcement of those Privy Councillors.

In the year 1982, we did not celebrate a particular anniversary of Canada. However, we certainly did celebrate a unique change in the Constitution of Canada, with the amending formula and, more important, the new Charter of Rights and Freedoms, which in my view was clearly a significant step forward for our constitutional documentation.

• (1400)

All premiers actively participated in the patriation of that constitutional document and the Charter, including the discussions leading up to that patriation and the evolution of the Charter.

The year 2002 represents a particular event for the Queen and for us as her subjects. I will certainly make representations, on behalf of the honourable senator, to the Prime Minister. However, this particular Prime Minister has been most reluctant to invoke the appointment of Privy Councillors and, in fact, to my knowledge, he has not appointed anyone outside cabinet.

**The Hon. the Speaker:** Supplementary, Senator Prud'homme.

**Hon. Marcel Prud'homme:** Honourable senators, I have a supplementary question. I recognize that it is most unusual to do this in public, but would the minister convey my great disappointment in this regard? I have said all over Quebec, in French and in English, that I am a monarchist, and I will remain a monarchist until Canadians decide what kind of future they want. I must express my very sad disapproval of the fact that, although I am the only one who was appointed a member of the Privy Council by Her Majesty's own hand, I have not been invited to attend any events this weekend. In the French culture, this type of oversight would demonstrate a lack of class. It is regrettable. I would have attended.

Regardless of public opinion regarding her visit, as long as she is the constitutional head of our country, I abide by the fact that I swore allegiance to her 16 times, I believe. I say, "Long live the Queen," until Canadians decide what kind of future they want.

Would the leader convey my great public sadness? I am not asking for an invitation; however, I do think that those in charge should have been cognisant of the very few people who have had that great honour bestowed upon them. Being canadien-français from Quebec, I think, had I been invited, it would have helped to establish a certain equilibrium.

[ Senator Kinsella ]

**Senator Carstairs:** I thank the honourable senator for that intervention. As he well knows, choosing individuals to attend functions of this nature is never easy. I found it a little bit strange, quite frankly, that I was not invited to a single event held in the Province of Manitoba during Her Majesty's visit there. However, that was the decision made by the Premier of the Province of Manitoba. The only good thing I can say is that I understand a great many young people were invited to that occasion and, had I been afforded the opportunity to appoint my own young person, I would have been very pleased to have done so, but I was not afforded that opportunity.

Clearly, there have been disappointments. The honourable senator is not alone in that. I understand there have also been expressions of disappointment in the Province of New Brunswick. Perhaps that situation has been rectified. However, I would add that these list gatherings do not always go, in my view, the way they should.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I would like to allow the minister to make a correction to her answer to Senator Kinsella's question. It is not all the provincial premiers who participated in and who agreed with the patriation of the Constitution.

In spite of his will, the then Premier of Quebec, even though he was a member of the Privy Council, never agreed with this patriation, and nor have any Quebec's premiers since. Could the minister correct her answer?

[English]

**Senator Carstairs:** Honourable senators, it is important to put that on the record. However, I did indicate, in my comments, that there was some disagreement in the Privy Councillor appointments. I understand that all sitting premiers, at that time, were so appointed.

**Senator Nolin:** Honourable senators, my point related to the minister's response to Senator Kinsella when she told us that all premiers supported the patriation of the Constitution. Clearly, I believe she should correct that statement. That did not apply to all the premiers. I believe Mr. Levesque was not supportive, almost the entire population of Quebec was not supportive, and nor have all the Quebec premiers since Mr. Levesque been supportive of that.

**Senator Carstairs:** Senator Nolin is quite correct. My comments should be appropriately corrected.

HER MAJESTY QUEEN ELIZABETH II'S GOLDEN  
JUBILEE—VISIT TO NEW BRUNSWICK—  
HELICOPTER TRANSPORTATION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I am sure my colleagues from New Brunswick, who will join Her Majesty in Moncton for a lunch, will be happy to bring greetings to her from our colleague, the Leader of the Government in the Senate.



However, my concern is that Her Majesty should arrive there, because, honourable senators, the Queen is, according to the published schedule, to fly by helicopter on Saturday from the Sheraton Hotel in Fredericton to Sussex, New Brunswick, for some events there, and then from Sussex, New Brunswick —

**Senator Forrestall:** What kind of helicopter?

**Senator Kinsella:** That is my question. Can the Leader of the Government tell this house this: Is the helicopter a Sea King, or is the government using a different type of helicopter and, if so, what type?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have no idea what type of helicopter will be used, but I can assure the honourable senator that all plans have met with the approval of Buckingham Palace, as they must always do, and I can only therefore assume that the Queen feels completely safe.

However, I must add that we did have a minor incident on the Red River earlier this week in which, I gather, the boat in which Her Majesty was travelling experienced a mechanical failure and was required to be pushed by another boat.

I hope that there are no further incidents while Her Majesty is in our wonderful country, and I know that all of us are enjoying her visit during her Jubilee Year.

#### NATIONAL DEFENCE

##### POSSIBLE WAR WITH IRAQ—CURRENT TRAINING PROGRAM OF THE SECOND BATTALION, ROYAL CANADIAN REGIMENT

**Hon. J. Michael Forrestall:** Honourable senators, I cannot resist. I would assure the Leader of the Government in the Senate that Her Majesty's mode of transportation would not be a Sea King because those helicopters are not permitted to fly over land, in the event that they are required to make an emergency landing. Incidentally, I understand that she will be transported in a Griffin, a very fine piece of equipment. If she has ever had to travel in a buckboard with steel wheels, she has my sympathy.

To return to the topic of several questions I asked in recent days, the minister is aware that the Second Battalion, Royal Canadian Regiment is continuing to engage in intense military training at CFB Gagetown. Could the minister explain why it is that the Second Battalion, Royal Canadian Regiment is conducting such extraordinary training, which includes live fire exercises and night operations? I also understand it has a huge ammunition allotment, perhaps larger than the Atlantic area can supply. Moreover, both maternity and paternity leaves have been cancelled, and the battalion is not even the so-called "ready" battalion, that being, in fact, the Third Battalion RCR that is located in Petawawa, as we all know.

Would the minister supply us with some information on that and on one of my supplementaries, as to whether Second Battalion, Royal Canadian Regiment is preparing for deployment, possibly to Iraq?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator asks a question about the extraordinary training that is said to be going on. I have no knowledge that extraordinary training is indeed going on at this time.

As to the honourable senator's supplementary question, we try to keep our troops trained for all possible eventualities. At this point, the policy of the Government of Canada is to follow the directives and the directions of the United Nations, and, so far, the United Nations has not indicated, in any way, that it wishes to pursue war with Iraq.

• (1410)

**Senator Forrestall:** I am assuming, then, that extraordinary training activities are taking place with respect to 2RCR at Gagetown. What is 3RCR doing?

##### AFGHANISTAN—PRESENT LOCATION OF HEAVY MILITARY EQUIPMENT

**Hon. J. Michael Forrestall:** Can the Leader of the Government in the Senate advise us of the whereabouts of our heavy military equipment that we sent to Afghanistan? Is that equipment back in Canada, or is it sitting somewhere in the Persian Gulf, somewhere around the Arabian Sea, or in a Pakistani port?

**Hon. Sharon Carstairs (Leader of the Government):** As to the first part of the honourable senator's comments, I do not think he can assume anything, since I have absolutely no knowledge about what is going on at CFB Gagetown at the present time. I do not know whether extraordinary training is taking place or whether it is just regular training that is taking place.

As to the honourable senator's second question, we have put in a request for information on the heavy-duty equipment that was in Afghanistan but, as of this afternoon, we have not received it.

##### POSSIBLE WAR WITH IRAQ—CURRENT TRAINING PROGRAM OF THE SECOND BATTALION, ROYAL CANADIAN REGIMENT

**Hon. J. Michael Forrestall:** Was the Leader of the Government in the Senate not sufficiently interested in the question about training activities in CFB Gagetown when I posed it a week ago? Did she or her staff inquire, but for some reason prefer not to respond to it?

I am interested in knowing why leave is being cancelled, why paternity and maternity leaves are being cancelled? What is going on? Canadians would like to know.

**Hon. Sharon Carstairs (Leader of the Government):** With the greatest of respect, honourable senator, it is my understanding that that question was only asked today. I do not have that information today. I do not know what is going on in terms of the training or the leave provisions that are in place at CFB Gagetown at the present time.

The honourable senator did ask me a question last week about the location of the heavy military equipment. That question has been put to DND staff, and I am anticipating an answer back, but I do not have that answer at the present time.

**Senator Forrestall:** That is fine; however, I would ask the honourable leader to see what she can find out about Gagetown, please.

## UNITED NATIONS

[Translation]

POSSIBLE WAR WITH IRAQ—SECURITY COUNCIL  
RESOLUTION TO SEND WEAPONS INSPECTORS—  
REQUEST FOR OPEN MEETING

**Hon. Douglas Roche:** This morning, the Prime Minister confirmed that Canada would contribute armed forces if the UN Security Council mandates war in Iraq. The Security Council has not yet so mandated. In fact, the council is working hard now to draft a resolution by which UN inspectors will be given full and complete access to the entirety of Iraq, to determine if that country is developing weapons of mass destruction.

Can the Leader of the Government in the Senate tell us what Canada is doing now to ensure that the UN resolution can successfully resolve this crisis without war? Is Canada considering asking for an open meeting of the Security Council at which countries, such as Canada, could make a statement about how to have successful inspections?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let me reiterate the position of the Government of Canada. I believe the honourable senator is quite clear and knowledgeable about the government's position, but let me put it on the record: The Canadian government has indicated, in the strongest possible terms, that it will meet any international obligations that are placed upon it or requested by the United Nations Security Council. The United Nations Security Council is, as you know, very concerned about sending weapons' inspectors into Iraq, to assure themselves that there are no weapons of mass destruction in that nation.

I think the Security Council is — as I would hope all of us are — concerned that such weapons do not exist, but that if they do exist, then the United Nations resolutions will be followed and such weapons will be removed. That is the position of the Government of Canada.

The situation has not changed. As to an open meeting, to my knowledge, the Government of Canada has not requested such a meeting.

**Senator Roche:** I should like to reiterate my request that the Government of Canada considers seeking an open meeting, for which there is ample precedent in the Security Council, because it is vital that the United Nations, not the United States, make the decision as to whether war should be mandated. This is a decision that will affect the lives of many Canadians. I think the government must exert every effort to ensure a solution that is fair and just in ridding Iraq of weapons of mass destruction. Can the minister give renewed assurance to those Canadians who are following this matter so carefully, as to how we can avoid the crisis of war?

**Senator Carstairs:** I can reassure Canadians that a strong position has been taken by both our Prime Minister and our Minister of Foreign Affairs, that our obligation, as we see it, is to the United Nations and not to the United States.

## FINANCE

ALLOCATION OF ADDITIONAL RESOURCES  
TO PROVINCES

**Hon. Jean-Claude Rivest:** Honourable senators, this morning, the provincial ministers responsible for education and occupational training met in Western Canada. They urged the federal government to increase its contribution and financial assistance to provincial governments, so as to meet pressing needs in the training of specialized manpower, because there will undoubtedly be a shortage in the near future, all across Canada.

In Quebec, there have been studies and a heated debate on the fiscal imbalance that exists between provincial governments and the federal government.

In light of her experience in the Manitoba legislature, could the minister remind the Prime Minister and the Minister of Finance that the increase in needs — particularly in health and education — puts the provinces in a difficult situation.

Could the minister also ask them if the federal government can do more to meet the needs of Canadians?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** The question that was asked by the honourable senator, quite frankly, in part reflects a position that is taken by the Province of Quebec, and that is that the Province of Quebec thinks there is a fiscal imbalance between the potential of provinces to raise funds vis-à-vis the potential of the federal government to raise funds. Interestingly enough, many provinces in this country chose to reduce their taxes long before the federal government considered itself to be in a position where it could reduce taxes. The position of the federal government is clear, that if there was room to reduce taxes, there was also fiscal room to provide additional services. The provinces make the choice, just as the federal government makes the choice.

As to the honourable senator's specific reference, however, to health care, I think all of us are awaiting, with great interest, the report of the Romanow Commission. I understand it will come down next month, that it will meet its deadline. We will certainly have to examine that report, as to what additional resources it considers necessary for the health care of Canadians both from the provinces and from the federal government. The government has indicated that it would meet at least its obligations from the federal perspective.

• (1420)

The Senate is expecting a report to be tabled, later this month, that I suspect will indicate a need for further resources. There will be a federal-provincial first ministers' conference, in January 2003, to deal with this issue so that, hopefully, we can put health and the health care of Canadians on a better footing.



[Translation]

**Senator Rivest:** The provincial governments did indeed cut taxes in order to reach targets for economic growth that benefited by and large all Canadian workers. Unless I am mistaken, Madam Minister, the Government of Canada did the exact same thing.

It is difficult for the provincial governments to accept that their demand is being refused under the pretext that they reduced their taxes. In recent years, the Canadian government did the same thing to reach targets for growth and economic support.

The issue is not about whether or not the federal government was justified in lowering taxes or not. When it comes to health, education and professional development, the needs of Canadians are pressing. That is the fundamental problem.

These responsibilities come under provincial jurisdiction, of course; however, it is also the responsibility of the Government of Canada to be aware of the needs of Canadians and to provide the money required to satisfy these needs.

[English]

**Senator Carstairs:** Honourable senators, it could be argued that eliminating deficits is also a way to sponsor viable economic activity. Many Canadian provinces chose not to eliminate their deficits before they introduced tax reductions. The federal government went in the opposite direction by choosing not to reduce taxes until there was no longer a deficit.

My argument was simple: Federal and provincial governments make choices about whether they will increase services or cut taxes. Sometimes they are able to do both, but in many circumstances, governments are not able to do both. Then, it is the choice of the level of government as to which preference they put at the top of their list.

## BUSINESS OF THE SENATE

**Hon. Nicholas W. Taylor:** Honourable senators, I have been bothered by the introduction of bills that this house considered last session. I am aware that, according to the *Rules of the Senate*, we cannot reinstate or call back a bill and begin with the first reading stage. However, the House of Commons can call back a bill that they had considered in a previous session. Some of their bills that have been presented here have already been passed by the House of Commons. In other words, they were in the Senate prior to prorogation. How is it that the House of Commons can get away with introducing a bill in the Senate when they have already disposed of it in the previous session, without going through the disposal process themselves?

In view of the large majority the government currently holds in the Senate, there is always the possibility that we may be led by the nose or that we may respond too quickly to orders from the Prime Minister's Office. Would it not have been better, had the House of Commons requested that we reconsider bills that we were considering in the last session? It is one thing for the House of Commons to reintroduce the bills they were considering, but it is another thing for them to reintroduce a bill that we were previously considering.

Since we do not have the capacity to reintroduce a bill that we were studying, is it not logical that they would ask us to reconsider a bill that they had passed in the last session?

**The Hon. the Speaker:** Does any other senator wish to comment on this point of information?

I would draw to the attention of honourable senators that the procedures of the other place are entirely a matter for the other place, just as our procedures are entirely a matter for us in this place.

The bills that came today were all given first reading and have been put on our Orders of the Day for second reading at the appropriate time. That is the procedure that we follow in this place when we receive legislation from the other place. The honourable senator has not put into question the procedures of the House, but merely acknowledged that they exist. Accordingly, I do not think I can be more helpful than to make that statement.

## NATIONAL DEFENCE

### POSSIBLE WAR WITH IRAQ—CURRENT TRAINING PROGRAM OF THE SECOND BATTALION, ROYAL CANADIAN REGIMENT—POINT OF ORDER

**Hon. J. Michael Forrestall:** Honourable senators, I am sometimes uncertain as to what constitutes a point of order and what constitutes a question of privilege. What follows is a point of order in a sense, but I believe it also involves a question of privilege.

On page 32 of *Debates of the Senate*, the Leader of the Government in the Senate will read that I did indeed ask:

Could the minister explain why it is that the Second Battalion, Royal Canadian Regiment, based in Gagetown, New Brunswick, is presently conducting extraordinary training...

I am curious as to why the minister's staff missed that question and why she thought that I had not asked it. I did indeed ask it and I would not want a misunderstanding. If I am wrong, then I apologize. Otherwise, could the honourable leader obtain that information?

While the minister is on her feet, may I say that I am not at all surprised by her not being invited to be with Her Majesty, but I am very disappointed?

**Hon. Sharon Carstairs (Leader of the Government):** I must apologize to the honourable senator. He and I suffer from the same affliction. I wear double hearing aids and he does as well. Sometimes I think we just do not hear one another, particularly if I do not have the microphone right beside my ear as quickly as possible.

I can only assure Senator Forestall that my staff reads the *Debates of the Senate* carefully and they listen to his comments. If he asked that question, I can almost guarantee that the request for information has already been made. If it has not, then I will ensure that it is made today.

**Senator Forrestall:** I would appreciate that.



## ORDERS OF THE DAY

### SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

#### MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Taylor*).

**Hon. Nicholas W. Taylor:** Honourable senators, I rise to speak to the motion by my honourable colleague from Alberta, Senator Roche. Most Canadians would support this motion. There is a feeling in the land that we may be forgetting the rule of law and remembering the rule of might instead.

• (1430)

It could be said that we should blindly support the U.S. There is no doubt the U.S. is our friend. As someone said, they are a friend of ours, whether we like it or not. The fact of the matter is that they are better served if we do point out, from time to time, that there may be other ways of doing things. Also, I suppose, from time to time, it does not hurt to mention to the biggest guy on the football team or the meanest kid in the schoolyard, that maybe diplomacy may be used rather than brute force. I believe there is a tendency, when you have as much force at your fingertips as the leadership in the U.S. has, to utilize a short, tough solution to the problem.

I was particularly interested in Iraq because, as a geologist for some years spending time in different parts of the Middle East, I am quite aware that oil bears a very heavy hand when it comes to declaring policy. I remember, as a young geologist in 1952 in Iran, when the Russians, the Americans and the British all invaded that land, which did not have much armament, to restore the Shah. That did not last long. As you know, he was later replaced and the Ayatollah took over. Oil was at the centre of that invasion. The old Darcy exploration company, which Churchill had started, which later became BP, drew a great deal of its oil from Iran. As time went on in the Middle East, they came close to another crisis when the nationalization of the oil companies started in Iran, Saudi Arabia, Libya and so on. Once Iran nationalized the oil company and formed the NIOC, National Iranian Oil Company, the other countries wondered why they should only get a few cents a barrel for their oil when the U.S. and Western European developers could get it out of the ground, send it over to some

place that did not have a tax, like Bermuda, the Bahamas or Luxembourg, raise the price from \$1.50 to \$10 or \$11, and then sell the oil to the refineries in their own country, who in turn sold it to the consumer.

Oil was and is very important in the economics of the Middle East. The fact that the private companies were pushed out after Iran set an example, and the state oil companies, went a long way toward raising the price of crude oil during the first crude oil crisis we had, when oil prices rose from \$2 to \$10 or \$11 a barrel. Of course, you can imagine the amazement that was felt by many people in the national oil companies in the Middle East when we swallowed the \$10, just turned around and passed it on to consumers, and they were quite happy to go along with it. The idea that oil can be raised to almost an indefinite limit is very puzzling, an idea OPEC is still trying to deal with today. The fact of the matter is that when you buy a litre of gasoline, whether it is in Canada, the U.S. or Western Europe, a minor amount of the cost goes back to the Middle East or back to the country that owns that oil. The rest is tax.

I am not trying to give a step-by-step outline on Iraq. Of course, when Iraq invaded Kuwait, we assessed the situation and we bought the idea that it was a big bully going into the little country next door rather than the idea that it was a big bully who already had a third of the reserves in the Middle East. By moving on to Kuwait, Iraq would have increased their reserves by 10 per cent to 15 per cent or so. That would have put Iraq in a bargaining position to "look OPEC in the eye" and perhaps raise the price of oil exported to the United States.

Although a lot of people felt that going into Kuwait was rescuing a smaller country, let us face it, the Emir of Kuwait was anything but a model of democracy. He still is not a model of democracy. There are no women allowed in the Kuwait Parliament. There are no elections for the Kuwait Parliament. Be that as it may, we went in and slapped Iraq around for trying to expand its control of the oil industry.

One of the things I am afraid of today when we talk about attacking Iraq or going into Iraq is how much is based on how much a danger Saddam Hussein is to others and how much is based on the idea that we want to ensure that the oil capability of the Middle East still remains handy and available to us in Western Europe and North America.

Let us face the facts. Saddam Hussein was financed and armed by the Americans for years when he was going into Iran, probably for the very same reason that the Americans and British went into Iran in 1952, which would be to ensure that Iranian oil would flow back into the businesses of North America. Although Saddam Hussein was not successful in taking over Iran, he was successful in acquiring an army at the expense of the U.S., which he then used to try and take over Kuwait.

I cannot understand the aspect of the peace treaty that gave the British and the Americans certain fly-over zones in Iraq. In other words, the British and the Americans fly over two thirds of Iraq every day. In fact, about once a week, according to even the Americans, bombs are dropped on Iraq when they think that there is just cause. Sometimes they bomb only radar installations. As a matter of a fact, they have been known to bomb commercial radar installations in airports. The thought enters my mind: "How can Saddam be out there arming himself to the teeth when we have been flying over him every day?" It is hard to explain

what goes on, how suddenly he has weapons in hand when the British and Americans have been flying over and bombing Iraq. How is Saddam Hussein supposed to have at his fingertips the chances to upset the whole world, or at least to have weapons of mass destruction? No one has gone so far as to say he has the ability to deliver those weapons of mass destruction.

One of the other arguments that the public makes quite often is that Saddam Hussein may be working on an atom bomb. That is not a great secret anymore. I want to quote from an editor/writer from the *Smoky Lake Signal*. That is a small paper produced in a town located in northeast Alberta. The editor's name is Lorne Taylor. He is not related to me. For some reason or another, Taylor seems to be a very popular name in Alberta. There must have been "prairie-prolific" ancestors that came across at one time. Nevertheless, as far as I can see, he is not related to me. He comes from a very intellectual and erudite family that has had newspapers all through Alberta. I quote from his editorial:

...It's hopeful that Saddam Hussein will allow UN weapon inspectors into Iraq. The fear is that he is ready to build a nuclear bomb.

But weapons of mass destruction aren't just to be found in whacko republics. There are now 35,000 nuclear weapons in the world today, containing an explosive power equivalent to 700,000 Hiroshima bombs. There just aren't enough weapons inspectors to see them all. The United States, in its Cold War build up against the Soviet Union, built 10,656 bombs. Russia has an estimated 10,000 still left. There are 400 in China, 350 in France, an estimated 200 plus in Israel, 185 in the United Kingdom, 60 in India and from 24 to 48 are thought to be in Pakistan.

There are enough bombs to make the earth shake and bake everyone on it, even without Saddam Hussein.

• (1440)

The idea that we would pick out one dictator, one wacko in this world full of wackos — and I will exclude Canada in this — and go in and start batting his ears around does not seem to make sense. Let's face it, there is an atom bomb right next door. Both Pakistan and Israel have atom bombs, and there are no guarantees of what may happen down the road there. Everyone today has the capacity to make an atom bomb.

Think about the reaction of Muslim radicals throughout the world if an attack were made on Saddam Hussein. Regardless of our opinion about Muslim radicals, they are influential in areas such as Egypt. I do a lot of business in Cairo, and one of the problems there is that Muslim radicals are trying to push out the government of the day. In Indonesia, Muslim radicals have been known to rampage. In certain parts of Indonesia, in areas that are controlled by Muslim radicals, it is unsafe for Christians to venture out.

There are also Muslim radicals in Pakistan. Pakistan is held up to be a "great model" of democracy. In Pakistan, the opposition is not allowed to run in an election; only one slate is allowed. So, a

country that does not allow the opposition to run in elections, a country that has atom bombs, yet somehow Pakistan is our friend. I should like to remind honourable senators just a few years ago Saddam Hussein was also our friend.

My point is that we cannot attack a country just because it may not be heading in the direction we would like. I would suggest that there are other ways to handle it.

Nevertheless, I would be willing to go along, reluctantly, if the United Nations were to vote in favour of a resolution to attack because Saddam Hussein was stonewalling the inspectors. Certainly, the last thing we should be doing is going along just because the U.S. wants it. The U.S. may suggest it, it may do a lot of other things, but unless the UN sanctions a military attack, let's not touch him.

**Hon. Bill Rompkey:** Honourable senators, I listened carefully to what Senator Taylor has said, and I want to support the motion. However, I wonder if the honourable senator could comment about the UN itself, its constitution and its track record, because what bothers me is the effectiveness of the UN itself. I realize the UN is the only organization of its nature that we have, but if you were to ask Major-General Lewis MacKenzie and General Dallaire how effective the UN has been, they might have some interesting observations.

My question for the honourable senator is this: How long do we wait for the only organization we have to take effective action, given its track record? We have a man in charge of Iraq that evidently cannot be controlled within his own country. It is a given that there is no one within Iraq who will control Saddam Hussein. There is no one in the general area that wants to take any action.

**Senator Taylor:** Honourable senators, the honourable senator asks some very good questions. I will try to answer the last one first. I will give the honourable senator the same answer a friend of mine in the Iranian government gave me when I was last in Tehran: "Who are you going to put in if he goes?" He is sort of the balance of power between the Shia Muslims in the south and the Kurds in the north.

**The Hon. the Speaker:** Honourable senators, I am obliged to advise that Senator Taylor's time has expired. Is leave granted to complete the response to the question?

**Hon. Senators:** Agreed.

**Senator Taylor:** As I said, my friend in the Iranian government said, "Who are you going to put in?" "At least he controls the country," my friend said. This from a country that fought him for eight years. My friend says that regardless of how bad Saddam Hussein is, he keeps the area in balance, keeping in mind the Saudis on one side, the Turks on another, the Kurds on the other, and so on. In other words, as bad as he is, he is a stabilizing influence.

As to the effectiveness of the UN, it worked quite well in Korea.



In Bosnia, the UN was partly handcuffed because it did not get the cooperation of the U.S. and other countries. That led to the fact that the U.S. and NATO, without the UN, attacked the Yugoslavs in the Kosovo situation. I do not see how leaving the UN out in that case made the situation any better.

I think in the long term, whether we like it or not, we have to stick with the rule of law. If we were to look at our own society, sometimes the police do not punish people the way we want or as often as we want, but as a general rule, our courts and our police forces are better when they have those checks and balances, rather than taking the law into their own hands.

On motion of Senator Rompkey, debate adjourned.

[Translation]

## THE SENATE

### OFFICIAL LANGUAGES COMMITTEE— CHANGE TO RULE 86—MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill:

That Rule 86 of the *Rules of the Senate* be amended:

by replacing paragraph (1)(e) with the following:

“Official Languages

(e) The Standing Committee on Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.”; and

That a Message be sent to the House of Commons to acquaint that House that the Senate will no longer participate in the Standing Joint Committee on Official Languages.—(Honourable Senator Comeau).

**Hon. Gerald J. Comeau:** Honourable senators, I would like to go back to the time when the Joint Committee on Official Languages was created. It was created in large part to attempt to stem the assimilation of Francophones outside Quebec and to find ways to help minority communities, the English-language communities in Quebec and the French-language communities outside Quebec, survive.

In the very beginning, the members of the committee understood the stakes very well. At the time, there were Conservatives, Liberals and New Democrats in the House of Commons. The three parties agreed with the committee's mission, and the very foundation of Canada was never questioned.

We were to ensure that the Official Languages Act met the needs of our minority communities. The differences that we had were often on the means used to meet these needs.

[ Senator Taylor ]

• (1450)

In those days, we had great champions, men and women of conviction who clearly understood what the stakes were. People like Jean-Robert Gauthier, Jean-Maurice Simard, Senators Gildas Molgat, Louis-J. Robichaud, Serge Joyal, and many more sang the praises of having two official languages.

I too sat on the committee at that time. It was an honour and a privilege to work alongside these champions, who were always prepared to show newcomers how to contribute to the work of the committee and eventually take over.

When the Bloc Québécois and the Reform Party arrived, however, the whole picture changed. In 1993, the Bloc Québécois was the official opposition in the House of Commons. This was a group of separatists who wanted to show that Canada was not viable, and that our policies on official languages and the protection of linguistic minorities simply did not work.

The separatists took every opportunity to put down French-language minorities. They called us everything from “dead ducks” to “warm corpses”, heralding: “Francophones outside Quebec are finished.” Still today, the separatists continue to make a distinction between Quebec and English Canada and give the impression that Quebec is French-speaking while the rest of Canada is English-speaking. Since 1993, the separatists are supported by the Reform Party, a doctrinaire anti-French party wanting to see Canada divided by a French-speaking Quebec. Interesting expressions like “territorial bilingualism” are now being used.

In short, not much has changed, and one of these two regional parties is still the official opposition in the other place. One would have to be dreaming in Technicolor to call on the Bloc Québécois and the Reform Party to help linguistic minorities. As for the Progressive-Conservatives and the NDP, they do not have the human resources to work for the advancement of minority communities. Since 1993, these communities have been neglected by the opposition parties and, all the while, the assimilation rate is climbing.

I appreciate the work done by Senator Shirley Maheu and MP Mauril Bélanger, but I see that they had limitations because of the two parties whose interests differ from those of our linguistic communities.

I would like to congratulate these two for their excellent work, and particularly their work to ensure that hockey continues to be broadcast in French as *La Soirée du hockey*. They are now working to improve the access to health care in French, in Canada.

Mauril Bélanger is a very dedicated man. He travelled around the Acadian regions this summer on his own time. This is clear evidence of what he is contributing to the cause of minority communities in Canada.

I do, however, have some problem with the idea of continuing to take part in the work of a Joint Committee on Official Languages. At the Standing Committee on Rules, Procedures and the Rights of Parliament, some senators commented that the Senate was in support to this. The few senators invited to comment were all from Quebec. I myself asked to appear before



the committee and was not invited. There is a need to weigh one's words before saying that all senators agree with continuation of this joint committee, for this is not the case.

All senators need to understand that the challenges and problems of Quebec are not the same as those in the isolated regions which are, for the most part, minority regions. It is far easier to be a Francophone in Quebec than in Nova Scotia or P.E.I. The infrastructure in place in Quebec is not as available in those provinces.

I go back often to my French-language community in Nova Scotia and, every time I do, I see the inroads made by assimilation and Anglicization. The situation seems to be spreading to P.E.I. and Newfoundland, as well as some of the communities in the West. I sometimes fear the process of assimilation has gone too far to be stopped.

The Senate says it is there to protect minority communities. There is even a little Senate publication that says that this institution exists in order to protect the interests of the aboriginal and French-language communities outside Quebec. Perhaps the Senate ought to practice what it preaches in its little pamphlets.

I have often given the Joint Committee on Official Languages the benefit of the doubt. I was even co-chair for a time. To be brutally frank, I saw clearly that it was not working at all and asked to be dropped from the committee. I had lost confidence and hope in such a committee's ability to advance the interests of the linguistic minorities.

The argument put forward by the House of Commons to the effect that elected members represent interests that are not represented in the Senate seems obvious. There are no separatists here in the Senate and I their arguments are of no interest to me. They do not believe in a united Canada. I am tired of the Reform Party, which worries about the English on cereal boxes and which is always talking about territorial bilingualism.

With the arrival of regional parties, some of us have tried to make up for the deficiencies of the Joint Committee on Official Languages, which has become less useful, by creating a caucus. I was a member of that caucus, which was made up of members of Parliament and senators who would meet once a week.

We hired the former Commissioner of Official Languages, D'Iberville Fortier, and we named our group the Louis-J. Robichaud Group, because Louis-J. Robichaud was its founder. There were Conservatives, Liberals and NDP members in that group, and they listened to all those who were being ignored by the joint committee.

• (1500)

Unfortunately, the group has been dormant for a while. It is not because of a lack of interest but, rather, because we lost several key figures, including Senators Simard, Molgat, Duhamel, and Senator Gauthier for health reasons, as well as Roméo LeBlanc, who was appointed Governor General. However, the members of the Robichaud group made a very valuable contribution. This is an ad hoc committee, and perhaps it is not the ideal way to meet the needs of the communities.

The Senate must take its responsibility seriously, it must provide a forum and be receptive to the actual needs of minority communities in Canada. The talent of our senators is diminished

when they have to discuss the merits of a united Canada, or the merits of English on cereal boxes. Our credibility as protectors of minority communities could be undermined if we engage in these games. Communities will often resort to unorthodox means to promote their cause — the approach of a single party or the Liberal Party — but that is not the solution. Communities must be able to come before a Liberal group and before other parties, so that the problems of everyone can be examined. We must also ensure that these groups do not rely on judicial means — which happens all too often — to get satisfaction.

[English]

To conclude, the dream of the Bloc and the Reform philosophers is to have a French-speaking Quebec and the rest of Canada to become English. I suggest that this is the worst possible scenario for the unity of our country.

To paraphrase Minister Fry, many communities in Canada are being anglicised as we speak. We have a decision to make. We can continue with a joint committee weakened by regionally based and separatist opposition parties, or we can accept our responsibility and our obligation here in the Senate, to respond to the needs of Canada's linguistic minority.

We have the talent and experience in the Senate to make a difference. The joint committee went sour in 1993. There has been progress in the past number of months under the strong leadership of Senator Maheu and Mr. Bélanger, but can we sustain it?

[Translation]

We must create a Senate committee that will meet the needs of our communities. For these reasons, I support Senator Gauthier's motion and initiative.

[English]

**Hon. Joan Fraser:** Honourable senators, I had not intended to speak at this time, but Senator Comeau has inspired me.

I, too, have put in some time on the joint committee, not as much time as many of my colleagues, but enough to come to some opinions about it.

I was particularly struck by Senator Comeau's view of the dynamic that affects the committee now given the number of parties in the other place that must be represented on it. I agree that this has created its own set of problems. If they were the only problems, I would still be hesitant about Senator Gauthier's proposal, as I do not think that temporary conditions justify changes in something as fundamental as committee structure.

The more I reflect on the matter, the more I believe that there are inherent difficulties in a joint committee of this nature. Joint committees work best when they examine matters directly related to Parliament. For example, the Standing Joint Committee on the Library of Parliament functions well, as does the Standing Joint Committee for the Scrutiny of Regulations.

The Standing Joint Committee on Official Languages is a slightly different beast. One of the problems inherent in its nature is that it cannot study legislation because legislation must pass through the committee structure of each rather than through the joint committee.

I was struck by this fact in the last session of Parliament when the Standing Senate Committee on Legal and Constitutional Affairs spent a long time giving rigorous study to a bill that was concerned purely with matters of official languages, in particular with regulations or other government orders that might have been published in only one language. The Senate committee did an excellent job on that bill. The amendments that the committee made to the bill strengthened the bill immeasurably and served the cause of linguistic justice in this country. However, would it not have been preferable to refer the bill to a committee on official languages that had built up years of expertise?

Bills concerning official language minorities do come before this chamber. A joint committee is limited in that it does not have the ultimate role of examining legislation. It is limited perhaps more in the other place than here in the degree of attention that its proposals will receive from those who sit in the seats of power because that committee has no power. It can only recommend. It cannot block a bill. For those reasons, it would be constructive to have a Senate committee with the normal powers of a Senate committee.

I say this with considerable regret. On the face of it, it would be wonderful if we could just go on with a real working joint committee. I second those who have observed that in recent months, perhaps because the other place was galvanized by hearing about what was going on in this chamber, joint committee has worked better than it had in my earlier experience with it. Nonetheless, I have come around to the view that a Senate committee might be more productive.

I have one wish for that committee and one slight concern. As it proceeds about its work, I earnestly hope that it will remember that there are not just minority francophones in Canada; there are minority anglophones in Canada as well. That is the community that I represent in this place.

By the nature of this place, our minority will always be less well represented than francophones outside Quebec because this place is set up to represent the provinces. There are francophone minorities in many provinces. There is an English minority in only one province. Therefore, our numbers will always be smaller in this place.

It will be very important for honourable senators who work on this committee to remember that the anglophone minority in Quebec exists and that despite the mythology attached to it, it also has serious concerns.

Senator Comeau was remembering some of the labels that have been attached to francophones "hors Québec," as we used to say, dead ducks, "cadavres chauds." The label that has been attached to us that some may be familiar with is White Rhodesians. The labels were not true for francophones and they are not true for anglophones either.

• (1510)

We have gone through enormous wrenching adjustment in the last generation, an adjustment that is a long way from being over. There are matters strictly within the federal purview that are worth examining, such as the dramatic under-representation of anglophones in the ranks of the federal public service in Quebec, even though anglophones now in Quebec report a very high degree of bilingualism so that language is no longer an obstacle, as it might have been in the past.

As for francophone communities outside Quebec, other problems affect our community life. It may be news to many senators, but assimilation is not just a problem affecting francophones. In regions of Quebec outside Montreal and outside the National Capital Region, I assume, it is the anglophones who are being assimilated, which has direct implications for the provision of community services throughout Quebec.

There is also the fact that because of Quebec's unique position as the home of North America's francophone minority, provincial policy focuses very largely on the legitimate needs of francophones, which sometimes has dramatic implications for anglophones. For example, provision of health care services to anglophones in English, particularly outside the Montreal region, often rubs up against the provincial legal requirement that everyone must be able to work in French, including those giving service to anglophones.

The federal government cannot change provincial law, nor would I wish it to try to do so, but it can have an impact on spending patterns through its own financing programs.

These are the issues that I hope a Senate committee, when it is established, as I believe it will be, will bear in mind. The needs of the francophone minority outside Quebec are a permanent part of this country's condition and must never be forgotten — never. We would fail in our duty to Canada if we neglected those needs, but I would submit that the same is true for my own minority.

**Hon. Tommy Banks:** Would Senator Fraser entertain a question?

**Senator Fraser:** Certainly.

**Senator Banks:** I, too, believe that the Senate will form such a committee. It was among the first things I heard when I came here, and I would not demur from the opinion clearly held by most senators. However, when one is tearing down a house that is falling down, it is well to look at the house that will replace it.

On Tuesday last, I asked Senator Gauthier a question in respect of what weight would be given to what will now undoubtedly become two respective committees. Yesterday, we received a document to which I have paid a lot of attention. The joint standing committee is distinguished not only by the fact that it cannot review legislation, but also by some of the things that it must do. It must review the administration of the Official



Languages Act and all regulations made under it and reports of the Official Languages Commissioner and of the President of the Treasury Board and of the Ministry of Canadian Heritage that are made under the act.

When I asked Senator Gauthier the question about the committee, he said, quite rightly, that the Senate could do what it likes when it comes to forming a committee and that we are not constrained in any way by this act from doing so. However, this act does not say, I suggest again, that two committees might be charged with these responsibilities of review. Just to refer to the French version of that reference in the act, it states that Parliament will designate or constitute "un comité." That is, I think, irrefutably clear.

Therefore, "a committee" of Parliament will be charged with the ongoing review of all of those things which I previously listed having to do with the Official Languages Act. My concern is that the committee that will do those things as set out in the act will be now a committee of the House of Commons.

Does the honourable senator see any possibility that these responsibilities, as set out in the Official Languages Act, will fall at any time and in any way to the Senate committee, which otherwise, I have no doubt, will do wonderful work? That work would include, I hope, protecting the francophone minorities in my province, which are substantial and important to me, and I know the same is true of my colleagues from Saskatchewan.

**Senator Fraser:** That is an interesting question. First, on the matter of the French text, my understanding of French grammar is that "un comité" is the only way to translate the two English phrases "a committee" or "one committee." There is no possible distinction between the two in French.

I am not a lawyer, but I would think that this act is not necessarily limiting. In effect, it is instructing Parliament to have at least one committee.

In any case, this chamber is free to set up the committee that it chooses and to give it the mandate that it chooses. It would be a fine thing if there were two committees, but if by some sad outcome of this debate there were to be only one committee and it was our committee, I would think that our committee would do an excellent job.

Whatever the public may think of the Senate in general, Senate committees are acknowledged everywhere to do fine work — good, thorough, far-ranging work. I see no reason why this committee would not uphold that tradition.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I would like to make a few comments. I read this document with interest, despite the awkward manner in which it was distributed. The fact remains that it was circulated. I agree completely with the comments made by Senators Comeau and Fraser.

With the Committee on Illegal Drugs, I experienced a situation where we demonstrated that the Senate can deal with issues that are highly controversial in a rigorous, precise, exact and in-depth manner.

The history of our country has shown us that the language issue, formerly known as the religious issue, was at the very heart of the federal agreement. However, if we read the texts of our predecessors carefully, we understand that it was actually the language issue.

If we reread the parliamentary texts from that era, particularly those by Quebeckers, but even those by some Anglo-Ontarian parliamentarians from Ontario, we see that the federal contract was based on the respect due to this balance.

My colleagues mentioned their life experience. They also mentioned terminologies that were disrespectful of this minority language reality. For these reasons alone, the Senate, which is removed from partisan squabbles, should reflect seriously and intelligently on issues that are sometimes highly controversial.

It is our duty to do so, not just our right, but also our duty.

• (1520)

I attended a few meetings of the joint committee. I have great respect for the honourable members who attended regularly, including those from the Bloc Québécois. I am thinking, for instance, of the co-chair, Mr. Bélanger, who has my full respect.

The formula is not working. When matters get too contentious, the Committee is overrun by partisan squabbles. We are then reduced to agreeing to half-hearted measures that fall short of our mandate. This goes to the heart of the federal arrangement and what our ancestors agreed to. Had it not been for this respect, my ancestors would not have approved the federal pact. If there is one House capable of upholding this respect, it is no doubt the Senate.

In the document distributed yesterday, there is an argument that could mislead someone who is not paying attention. In the Official Languages Act — and Senator Banks just asked a very relevant question — where it says "un comité" in French, it is not restrictive. It means any committee. Otherwise, we would have worded it differently in French. It could have read "au comité", referring to a committee of the Senate or of the other place.

As Senator Fraser said, if we work conscientiously — and I am convinced that we can do a thorough job — the Senate committee will prevail in the end.

Coming back to the Act, when I read the motion put forward by Senator Gauthier, the Official Languages Act is not mentioned. The Honourable Senator talks about establishing a committee of the Senate to examine matters relating to official languages, that is all matters relating to official languages — particularly those that pose a problem — not only those pertaining to the Official Languages Act, which, obviously, will have to be included in the terms of reference of this standing committee of the Senate.

When is there turmoil over the linguistic issue? Not when all is going well, but when all is going badly! In Quebec, the French issue is not a major problem. I agree, however, that the linguistic issue may at times cause problems for the English-language minority community. As a Francophone, whenever I travel outside Quebec, I make a point of tuning in to the French stations of Radio-Canada because, to me, this is the last lifeline left to the French-language communities outside Quebec. Travelling across certain provinces, the Francophone reality would be hardly noticeable, were it not for Radio-Canada.

We have a duty to ensure that Senator Comeau does not feel compelled to admit that the battle has been lost and that there is no point in continuing our effort. As a Quebecker, I insist on this. It is all very well to note that it is hard to live in French outside Quebec, but as a Francophone I also have a duty to do everything I can for the French-language minorities living outside Quebec. We need to understand that they are not alone. As a senator, I have a duty to address this issue far more seriously.

Senator Gauthier's motion is, in my opinion, totally appropriate. We ought to have rolled up our sleeves a very long time ago and decided that, regardless of what goes on in the other place, we will do our duty. As we are going to do a serious job, a rigorous and in-depth job, I am convinced that our recommendations will have the great good fortune of finding acceptance in the other place. If they decide to have their own committee, all the better for the minority language groups throughout Canada. I wholly support this motion.

I read the document distributed yesterday and was not impressed. I respect the co-chairs of the committee, but it was far too narrow, whereas the mandate of an Official Languages Committee needs to be very broad, and up to the task of dealing with the problems generated by the existence of Canada's official languages. It must certainly not be reduced to enforcement and regulations relating to a single law, that is the Official Languages Act.

**Hon. Gérard-A. Beaudoin:** Honourable senators, I have been a member of the joint committee for at least two or three years. We have succeeded, in some areas, in achieving our objectives.

However, there is a legal problem, in that the French version of section 88 of the Official Languages Act, 1988 refers to a committee of either the Senate, the House of Commons or both. The English version is not as specific. In my opinion, what they wanted was to have a committee. A joint committee was set up. I was a member of that joint committee and, on a few occasions, we wondered whether there should be a Senate committee.

I have sat on the Senate Standing Committee on Legal and Constitutional Affairs, which works really well. The House of Commons has a Justice Committee that works well. So, we can have two committees. Did the legislator intend to prevent the Senate from establishing a committee in its area? I do not think so. If the legislator had wanted to deny a legislative chamber, such as the Senate, the power to set up a committee, it would have said so in a much more explicit manner. In my opinion, we can establish a Senate committee.

[ Senator Nolin ]

The question that remains is: Is it a good thing?

My experience within the joint committee has taught me that the scope of our work is so broad that it would be possible to have two committees. One could also have powers different from those of the other. This should not be ruled out. If I were asked whether I accept that the Senate create a Committee on Official Languages, my answer would be yes. I would accept such a committee because we have examples of other committees in other areas — I mentioned the Standing Committee on Legal and Constitutional Affairs because I know it very well — where this works very well.

I remember that when we amended section 93 of the Constitution for Quebec, a joint committee, co-chaired by Senator Lucie Pépin and member of Parliament Denis Paradis, considered the issue.

• (1530)

This worked wonderfully. A joint committee also examined the constitutional amendment for Newfoundland, Term 17.

Now, should we necessarily have a Joint Committee on Official Languages, and official languages alone? I think not. The Senate has obvious jurisdiction in this area and if it had been intended to exclude the Senate, it would have been set out much more clearly in section 88 of the Official Languages Act.

This is an extremely broad area that is of great interest to us. Language rights are one of the most important constitutional rights in Canada. There are others, such as the division of powers and the Canadian Charter of Rights and Freedoms.

I support Senator Gauthier's proposal to create a Senate committee on language rights.

**Hon. Raymond C. Setlakwe:** Honourable senators, I agree with Senator Beaudoin. I have been a member of the joint committee for almost two years. Experience has taught me that it is not a bad idea to have some contact with members of the other place. It gives us an opportunity to better understand their way of seeing things.

I have a great deal of respect for Senator Gauthier and for the tremendous work he has done for the cause of French, not only outside of Quebec, but throughout Canada. I bow to his great wisdom and support his motion, despite the reservations I have had in the past.

**Hon. Eymard G. Corbin:** Honourable senators, obviously, I support this initiative. I was among those within my parliamentary caucus who used to complain — several years ago — about how this committee functioned. For this reason, I refused to sit on it when I was asked. Senator Murray and myself were the first to co-chair this committee. At the time, we had to deal with quite a few changes and we had to deal with complex



and sensitive issues and we had to educate the public service and Canadian agencies that were responsible for implementing the Official Languages Act.

Things have evolved since then. I shall not repeat the comments made by a number of our colleagues regarding the need to create a Senate committee to study these issues.

I would like to express hope. First, there is no need to duplicate what the other place does when it comes to issues to consider. The Senate Committee on Official Languages will have to be innovative and get to the bottom of important issues. It will have to do fundamental work and not hesitate to review the terms of reference of the Commissioner of Official Languages. It seems to me that the role of the Commissioner as an ombudsman is no longer sufficient. Perhaps other responsibilities should be assigned to the Commissioner.

I do hope the Committee will find time on occasion — once a year or once every two years — to travel and meet, in their regions, the people who are struggling to keep their head out of the water and avoid assimilation.

More often than not, we hear in Ottawa spokespersons of associations representing minority groups. There is more however. It is important that we personally immerse ourselves in the regions to get a feel for what the living and survival conditions of these linguistic minorities are, be it in Quebec, the Gaspé, Saskatchewan, Alberta, British Columbia or Prince Edward Island. These are regions I have occasionally had a chance to visit. Knowing the community gives a much different perspective from what we hear in Ottawa. I think the House is ready for the question, Your Honour.

[English]

**Hon. Lowell Murray:** Honourable senators, I will not oppose the motion of Senator Gauthier, persuaded as I have been, by the first-hand evidence of those who have taken part in the joint committee over the past nine years or so that the committee no longer functions as it should. I acknowledge this fact with a heavy heart entirely for the personal reasons evoked by Senator Corbin. He and I were co-chairs of the very first committee set up in 1980 or 1981.

We ought to realize that, while we are walking away from a dysfunctional situation, we are also losing something. There was a certain important symbolism to that joint committee and a certain important reality. To begin with, it did represent both houses of Canada's Parliament on an issue that, as Senator Beaudoin has pointed out, is absolutely central to our existence as a country. The symbolism continued with the fact that, while one chair would come from the Senate and one from the House of Commons, one was to be a supporter of the government and one was to be a supporter of the opposition; one was to be a francophone and one was to be an anglophone. Therefore, some care was taken in the design of the committee. Our friend Senator Joyal, who was then a member of the Trudeau cabinet, was central to that planning and design.

The committee worked very well, and the message was not lost on those in and outside of Ottawa who had the responsibility of implementing the Official Languages Act and the policies of the government and of Parliament in the field of official languages. In that committee, we never had the experience of having to put up with junior emissaries who had been sent by departments of the

government. If we wanted the minister, the minister came. More frequently, we wanted the deputy head of the department or agency to come and explain to us what they were doing in that particular department or agency to implement the law and the policy. They came knowing that they would be grilled, and the prospect of that grilling, I think, helped to improve the performance of many departments and agencies. The most senior bureaucrats in the country, the heads of agencies such as the Bank of Canada, appeared before us more than once to answer questions from us, as members, and from the Commissioner of Official Languages, who sat at the table as the Auditor General might sit at the table in the Public Accounts Committee of the other place. There was quite important symbolism and there was reality in this very effective process.

• (1540)

I take Senator Fraser's point that we could not study legislation. Joint committees do not do that. However, when we made recommendations, as we did to Parliament and to the government, they were not ignored. In our files, Senator Gauthier and I have letters from former Prime Minister Trudeau commenting *in extenso* on recommendations we had made for changes to the act, the policy and so on.

For most of the 13 years between the early 1980s and 1993, it was an important committee. I rather lost track of it in 1984 when the Conservative government came in and others from my party took the chairmanship of the committee. As I recall, an anglophone senator from Quebec became the co-chair from the Senate.

In any case, in a way, I want to lament the passing of a good idea and a good concept that worked well for a long time. It contributed significantly in its way and in its time to linguistic justice. I express the hope that the day will come again when we can return to that concept.

Motion agreed to.

## INDEPENDENCE OF SPEAKER IN WESTMINSTER MODEL OF PARLIAMENT

### INQUIRY—DEBATE ADJOURNED

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** rose pursuant to notice of October 8, 2002:

That he will call the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.

He said: Honourable senators, it was one week ago today that the government compromised the independence and neutrality of the Speaker of the Senate by appealing his decision on a motion, not because the decision was incorrect, but simply because it did not suit their desires. This was an unfortunate attack on the doctrine of the independence of the Speaker. It also runs contrary to the doctrine of responsible government that many who have occupied these buildings of Parliament have fought so vigorously to develop and defend.



What do we mean when we speak of the independence of the Speaker? In general, it is in the expectation that the Speaker will moderate our deliberations without partisan considerations, and that he will refrain from partisan activities while he holds the honoured post to which he has been appointed. When we look at other Speakers in the British Commonwealth, one can plainly see that these commitments are part of a common minimum standard among the commitments of any Speaker. One underscores the fact that a dignity is attached to the office of Speaker. In the order of precedence of Canada, after the Governor General comes the Prime Minister. After the Prime Minister, comes the Chief Justice of the Supreme Court of Canada. Next comes the Speaker of the Senate, to be followed by the Speaker of the House of Commons.

In a paper entitled: "Theory Building and the Parliamentary Speakership," presented by Tom Urbaniak to the Annual Conference of the Atlantic Provinces Political Science Association at St. Thomas University on October 6 last, only three days after the unfortunate appeal of the Speaker's ruling in the Senate, it is observed that it is the common practice of the Parliament of Westminster — the mother of parliaments — that the Speaker not only renounce his partisanship, but that the Speaker also run as an independent in subsequent elections.

Since so much of our politics in Canada is organized around parties, giving up partisanship altogether may be too stringent a sacrifice to ask of our Speaker. However, the Speaker does undertake fairly onerous duties, and the least the Speaker's own party could do is respect the authority to preside over debate that they have given him, and allow him to make unbiased rulings confident that they will not be challenged and overturned for specious reasons having nothing to do with the proper regulation of debate and everything to do with unvarnished partisanship.

I would note that the doctrine of the independence of the Speaker is a relatively recent phenomenon, one on which I think we would be ill-advised to turn back the clock. Urbaniak theorizes that it arose as a product of two historical forces — the rise of the doctrine of responsible government and the development of the party system in parliamentary affairs.

He argues that before responsible government there was no need for even a façade of independence. The Speaker was often either the representative of the Crown or a political advocate known as a "Champion of the House." The paper I have cited states:

Even towering and magnanimous figures such as Thomas More (who served as Speaker of the House of Commons for part of the 1620s) were not independent. For his part, More vacillated between his loyalty to the King and his defense of the rights of the Commons.

It was up to the Speaker to organize ad hoc coalitions to pass the Crown's agenda. However, even then, when the House was too methodical for the Crown's liking, the Speaker told the Crown to wait. When this model of representative governance began to falter in Canada in the 1830s, it was the Speaker who

rallied against the Chateau Clique. Prior to the development of responsible government, the Speaker was a very political figure, rather than an umpire.

The development of the doctrine of responsible government meant that the executive branch would be drawn from the ranks of the legislative branch, rather than being *de facto* as well as *de jure* residing outside the House of Commons, as was the case historically. This, in turn, resulted in an executive branch which was responsible to the legislative branch, since it had to hold the confidence of the legislative branch — not the other way around. Some observers have referred to this as a "fusion of branches" as contrasted with the "separation of powers" practised by the government of the United States. This fusion of branches, though, does not mean a fusion of schedules.

With the government now being physically represented in the House, the need for the Speaker to act as representative to the Crown in the political sense was eliminated. The government was in a position to organize its own coalitions to pass its legislation.

The other force that led to the independence of the Speaker was the rise of the modern party system in Parliament, with its rigid disciplines. Political parties emerged in the late 19th century as a result of the mass enfranchisement — however limited compared to today's standards of universal suffrage — of that era. Mass enfranchisement meant that only political parties were able to mobilize sufficient local resources to effectively deliver votes to the polls. The evolution of the political party also created the mechanism which enabled elections to deliver majority governments as a matter of routine. With confidence of the legislative branch as the basis for a government's continued existence, party discipline made sure all those elected with the support of a political party in turn supported the party's government. This further eroded the partisan nature of the Speaker.

Today, we have a Speaker who can be independent, who can moderate the deliberations of both the other place and of this chamber free from the need to take political positions. Since we have a Speaker who can do these things, he should do these things. He should moderate our proceedings and deliberations free of concern that his rulings will be subject to arbitrary reversal by the whim of the majority.

It is, and should be, of concern to all of us in this chamber that challenges to the rulings of the Chair could seriously impair the decision-making ability of this place. If the Speaker reaches the point where he begins to wonder if correct rulings will routinely be subject to arbitrary reversal, he may find himself considering making incorrect rulings to avoid the embarrassment of being overturned.

• (1550)

The other place, honourable senators, has solved this problem through a rather simple mechanism of removing the appeal mechanism. The Speaker's rulings are not subject to challenge under the terms of Standing Order 10 from the other place, which reads:



The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a point of order or practice, the Speaker shall state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House.

Indeed, there is a long history behind ensuring the independence of the Speaker. According to this very interesting paper of Professor Urbaniak:

There were, admittedly, occasional incidents that called into question the chair's impartiality, such as Henry William Brand's *ultra vires* 1881 expulsion of several Irish Nationalist members of Parliament who were determined to obstruct the business of the House. Such episodes, however, were often followed by rule changes, proposed by the governing party, which shielded the Speaker from future similar untenable situations and assured the government that, if it persevered, its legislative agenda would be sustained.

Recent events in this chamber, at a time when the government's agenda was in no real danger, suggest that an effort to shore up and reinforce the independence of our Speaker may be in order. Perhaps it is time for us to adopt a policy similar to that of the other place and remove the rulings of the Speaker from the realm of arbitrary challenge.

On motion of Senator Kinsella, for Senator Oliver, debate adjourned.

## PARLIAMENT HILL

### ACCESS TO PRECINCT—MOTION— DEBATE ADJOURNED

**Hon. Eymard G. Corbin**, pursuant to notice of October 2, 2002, moved:

That the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service do take care that during this Session of Parliament streets and roads leading to the Senate precincts be kept free and open and that no obstruction be permitted to hinder the passage of Senators to and from the precincts of this House; and

That the Clerk of the Senate do communicate this order to the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service.

He said: Honourable senators, I do not wish to hold you up too long with this question. I think it is a rather simple matter, one that takes its authority and power from the fundamental law of this country, the Constitution.

Before dealing with specifics, I should like to return to an exchange I had on December 6, 2001, with the Honourable Senator Kroft, following a complaint that I brought to the attention of the house generally, to the Leader of the Government

and to Senator Kroft. I wish to read the response that he gave to me when I asked him about the policy of the Internal Economy Committee with respect to the privilege of honourable senators to have unfettered access to the precincts of Parliament and, indeed, to this place, the Senate of Canada.

Senator Kroft responded:

Honourable senators, there is never any reason for anyone in any capacity to act in an inappropriate fashion in carrying out their duties.

I had earlier complained that I had been bawled at by a constable when I came up to the gates of the Hill. Senator Kroft continued:

I would not want to speak to the conduct of a particular individual in a particular case.

Let me make a more general comment, honourable senators. First, since the honourable senator has addressed this question to me in my capacity as the chairman of the Internal Economy Committee, let me assure him that this entire situation is under a constant monitoring and review by the committee. The administration through the clerk is part of a process whereby the Senate is represented in the broad monitoring of security issues on the Hill. I would like to say quite clearly that if there is implicit in the question — and I am not sure if there is — that a different rule should apply to us as senators or as parliamentarians than to anyone else coming on to the Hill, at that point I would take issue with the honourable senator. I believe that consideration has to be given to the rights and privileges of senators and members of Parliament. Unfortunately, it is possible that those who will do us ill have unfettered access to senators' cars when they are parked in places that are not controlled or observed at all times.

The policy is that all honourable senators, all members of Parliament and all members of the administration approaching the Hill are treated equally — no better and no worse, if I may put it in simple terms, than anyone else. To try to qualify security measures according to some other standard would be inappropriate and would be ineffective in terms of good security measures.

I thanked the Honourable Senator Kroft for his amiable answer, and I also said that I thought he was half right. I replied:

There is such a thing as privilege for parliamentarians. I think it is being abused currently.

I could add today that there is also such a thing as contempt for Parliament.

My motion is not unusual in the sense that the order I am proposing was put in both Houses of the Westminster Parliament, separately on their own will and authority, not by way of a message sent from one House to another and back and forth. They have the absolute power and discretion to determine the privileges of their respective House and of its members.

• (1600)

At this point, I should like to quote from Chapter 12 of *Erskine May*, page 210, the chapter entitled "Sources of Parliamentary Procedure." At the bottom of that page we can read the following:

Certain orders and resolutions (to which the term "sessional" is more particularly appropriated) are renewed regularly on the first day of each session in the House of Commons, and are to all intents and purposes standing orders except that they do not regulate the procedure of the House itself, but in the main prescribe rules for the conduct of persons, who are not Members, in their relation to the House.

That would encompass people or agencies charged with security and freedom of movement on or near the precincts of Parliament.

In *Erskine May*, as well, in the same chapter, under the title, "Access to the Houses of Parliament," we can read the following:

To facilitate the attendance of Members without interruption, both Houses, at the commencement of each session, by order, give directions that the Commissioner of the Police of the Metropolis shall keep, during the session of Parliament, the streets leading to the Houses of Parliament free and open, and that no obstruction shall be permitted to hinder the passage thereto of the Lords or Members. The police accordingly give every facility to Members and officers of the two Houses to cross the streets and approach the Houses of Parliament without interruption and where necessary hold up the traffic for this purpose. The Speaker has informed the House when for some special reason it is expected that the police will have difficulty in complying with the terms of the Sessional Order.

I could read you the very short list of the sessional orders.

In the Commons other business is constantly entered upon before the report of the Queen's speech by the Speaker. The order of business on the first day of a session should be motions for the issue of new writs and then sessional orders.

It is under sessional orders in each respective House of Westminster that the following is issued. This is an extract from the House of Lords debate from Wednesday, June 20, 2001:

Stoppages in the Streets—Ordered, That the Commissioner of the Police of the Metropolis do take care that during the Session of Parliament the passages through the streets leading to this House be kept free and open; and that no obstruction be permitted to hinder the passage of the Lords to and from this House; and that no disorder be allowed in Westminster Hall, or in the passages leading to this House, during sitting of Parliament; and that there be no annoyance therein or thereabouts; and that the Gentleman Usher of the Black Rod attending this House do communicate this order to the Commissioner aforesaid.

I have a number of extracts of precisely the same text for the British House of Commons.

We have not adopted that practice in this country because it is assumed that that would be a practice that would flow normally from the provisions of the Constitution of Canada.

At this stage, I should read to you section 18 of the 1867 Constitution Act which states:

The privileges, immunities and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

What brings me today to propose that, at the beginning of a new Parliament, at the beginning of a new session, we should follow the example of the mother of parliaments in dealing with access to Parliament?

We are all here by command of the Queen. If you read your parchment with the great seal on it you will notice that we are here by command of the Queen and that we are expected to attend when Parliament is in session. That leaves us no choice. It flows from that, that if we are commanded to attend, then there should be no obstruction whatsoever in our progress to the precincts of Parliament Hill.

However, we have a loose and sloppy practice. Nowhere is it encoded by rule or otherwise except by precedents and occasional rulings of the Speaker of the other place. I am not aware of any incident concerning this house or a member thereof, but there have been a number of precedents where the Speaker of the Commons has seen very clearly prima facie cases of contempt of Parliament as a result of members being prevented, for a number of assorted reasons, from accessing the Hill. There are Canadian precedents, but we do not have a general rule. We certainly do not have an order. We all say that we have privileges. The nature of the privilege is not well understood. It is not one that applies nominally to honourable senators. It applies to us in our quality as members of the Senate of Canada, in as much as it is a way of ascertaining that we can access this place without impediment when we are called here to do our work.

That is why I have proposed this motion. It is worded much more simply than the one used at Westminster, and I hope that we would make this one of our first orders of business every time we are called into a new Parliament or session, because my personal experience and the experience of other honourable senators I have discussed this matter with is that the police authorities of the city of Ottawa certainly do not understand what this place is all about, and do not hesitate to stop us in our progress towards the Hill.

• (1610)

**The Hon. the Speaker:** Senator Corbin, your 15 minutes have expired. Is leave granted, honourable senators, for Senator Corbin to continue?



**Hon. Senators:** Agreed.

**Senator Corbin:** The events of September 11 have fostered great tension in our relations. Perhaps that is not so for all of us, because those who walk to the Hill do not have a problem. However, those of us who drive to the Hill are treated somewhat differently because matters of security are involved. I ask the following, although I believe I have the common sense answer to it: Are the privileges of members of this house to be subsumed by considerations of security imposed on us by the government and enforced by a corps of police? That is the fundamental question.

An honest attempt has been made by Senator Kroft, who is a gentleman with whom I have no quarrel, except that I believe he does not fully understand the nature of parliamentary privilege in terms of our unfettered access to this place. Senator Kroft and his committee have made an honest attempt to reconcile matters of security and matters of privilege, so as to obviate the possibility of contempt of this house.

Honourable senators, contempt does not necessarily arise from privilege, but in this case, it certainly would. We have an absolute right under the Constitution and in what flows from the Constitution to come to this place directly, if I may say.

I said earlier that I had been bawled at by RCMP constables. I have complained in this place. As well, I have had the following said to me: "I do not understand French, and that is your problem because I have the right to speak English." This is the place, of all places, where the Official Languages Act should first apply. The first modern initiatives were taken here, under the roof of this building, and finessed over the years. Nevertheless, we still encounter dinosaurs who do not know what the official languages are. I hold the people responsible for assigning officers to duty, responsible for ignoring the act.

There is no reason, after 35 years of official languages, for this kind of situation to develop. I complained to the office of the Commissioner of Official Languages. The language ombudsman communicated with the RCMP commissioner and we were given assurances that this would not happen again. One day after receiving that letter it happened again. I suppose that is the nature of Canada.

The RCMP have to understand, just as the people charged with security within this building understand, that senators, above everyone else, including members of the House of Commons, have a right to unfettered access to their respective Houses.

Honourable senators, I am not suggesting that they do not do their duty, but rather I am suggesting that they be better informed as to the rights and privileges of this house. If such an order were to go out at the beginning of each session, it would be helpful in providing an amiable and cooperative refresher on appropriate procedure. We are not in this place as tourists. We are here by command of Her Majesty and we have a job to do. For that reason, we should be respected.

**Hon. Lowell Murray:** Honourable senators, I cannot speak to Senator Corbin's personal experience but I appreciate the point he has raised. We ought to assert more often and more officially our right to access to and movement within the precincts of Parliament.

However, before I vote for such a motion, I should like to know what the honourable senator believes its practical effect will be. Anyone who drives onto Parliament Hill these days must do so through one of two points of entry. One entry point for people who drive is at the corner of Bank and Wellington Streets, where there are two lanes entering. One of those lanes is reserved for members of the Senate and of the House of Commons. The process is to drive to a checkpoint, stop for a matter of seconds to identify oneself as a senator to the satisfaction of the constable, and proceed to the parking areas on Parliament Hill.

Is the honourable senator suggesting that this constitutes what he calls in his motion an "obstruction" that must be removed?

**Senator Corbin:** Any kind of barrier is an obstruction honourable senator, whether it is a stop sign or a command by the police to stop. I do not mind if the police stop me, and the process has been substantially improved for senators. I do not know about the members of the other place: I do not care what they do.

The current process at the central entrance, the one in front of the Peace Tower, beyond the lawn, is that the RCMP constable on duty is attended by a constable of the Senate who readily identifies a senator driving in through the gate, and we are told to proceed. That is the way it should be.

The set-up at the Bank Street corner is not ideal. On several occasions when I have tried to use that entrance, there has been a padlocked chain closing off the front entrance and there has been no Senate constable in attendance. I have been asked to produce identification. "Where is your Senate sticker? Why do you not have your Senate sticker at the front?" I replied that the sticker was in the back of the car because, when I received it, I was told to put it on the back windshield. Delivery trucks, in spite of signs that say, "This lane for senators and members of the Commons only," use that lane. We have to wait. Should we wait? That is not what the Constitution says, in that sense.

The Changing of the Guard each day in the summer months creates a problem, too. I do not mind an RCMP officer stopping me and saying: "You are Senator Corbin. I know you. Go ahead." However, every day or every other day, they change the guard and we have to go through the whole process again, if a Senate constable is not in attendance. It becomes annoying and it delays things. The wording of the orders of the Lords and of the Commons in Westminster includes access to and egress from Parliament.

That corner where we exit is a mess any time after 3:30 p.m. on most days. We have the parliamentary buses stopping at the very gate. If senators could get into the exit lane and turn left, they could be on their way home or to some other business. The parliamentary bus stops there. The government has bought these beautiful white cars that display the RCMP emblem. The cars are stationed all over the place here, but not one RCMP officer is available to assist in egress from this place. There are many annoyances of this kind that make life unduly annoying and sometimes downright difficult for us.

• (1620)

This motion seeks to enable senators to sit down with the police, perhaps once a year, and review the parliamentary privileges that we have because this is our place of work, privileges that others do not have. This motion would ensure that the police would have a better working knowledge of parliamentary privileges.

My hope is that staffing could be arranged in such a way that senators would be readily identified. I have been in Westminster. I have been at l'Assemblée nationale. I have been in Bonn when it was a capital city. I have seen different treatment even under the highest security situations, in Bonn, for example. Members of either House were always treated with respect. First of all, people who were there on a regular basis recognized the members as members of the House. This allowed for a much better arrangement.

I am not asking for any privileges in terms of security. I am simply asking that my parliamentary privileges be respected.

On motion of Senator Robichaud, debate adjourned.

[Translation]

## ADJOURNMENT

Leave having been granted to return to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 22, 2002, at two o'clock in the afternoon.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, October 22, 2002, at 2 p.m.



**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, October 10, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02							

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10							
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10							
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10							
C-11	An Act to amend the Copyright Act	02/10/10							
C-12	An Act to promote physical activity and sport	02/10/10							

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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**SENATE PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrester)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09							

## PRIVATE BILLS

[illegible]



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CANADA

# Debates of the Senate

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2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 8

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 22, 2002**

—  
THE HONOURABLE LUCIE PÉPIN  
SPEAKER *PRO TEMPORE*



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## THE SENATE

Tuesday, October 22, 2002

The Senate met at 2 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to direct your attention to the presence in the gallery of members of the YWCA Canada's National Executive, who are in Ottawa as part of their "Week Without Violence Against Women." They are guests of the Honourable Senator Mobina Jaffer.

[Translation]

On behalf of all the senators, welcome to the Senate of Canada.

[English]

**Hon. Senators:** Hear, hear!

### SENATORS' STATEMENTS

#### JUSTICE

##### RACIAL PROFILING IN LAWS PASSED SINCE SEPTEMBER 11, 2001

**Hon. Donald H. Oliver:** Honourable senators, just as a controversy now swirls around the Metropolitan Toronto Police Department for allegedly treating Black people in a discriminatory fashion, it is time for us to look carefully at the laws that we have put in place since September 11, 2001, to determine if they have resulted in racial profiling and in condoning racial discrimination.

The Canadian Customs and Revenue Agency has begun the systematic collection of data on Canadian air travellers. This information, which is kept for six years, will detail all travel movements of Canadians who travel abroad.

George Radwanski, Canada's Privacy Commissioner, has stated that "the government has no business systematically recording and tracking where all law-abiding Canadians travel, with whom we travel, or how often we travel."

Passenger data, indiscriminately collected and stored, can be read and used by those who collect it in any way that they choose. For visible minorities, that prospect could be frightening.

It is my contention that senators must be ever vigilant to ensure that such powers given to a government agency do not allow it to become a basis for racial profiling. The words of Deputy Justice Minister Morris Rosenberg are of little comfort in this regard. At a recent conference of security and intelligence experts, Mr. Rosenberg indicated that he would not automatically rule out the technique of racial profiling to target individuals for extra scrutiny at border or airport security stops.

In the past 12 months, we have put legislation in place that could give authorities the belief that racial profiling is condoned, or even encouraged, by parliamentarians. Ms. Anvradha Bose, Executive Director of the National Organization of Immigrant and Visible Minority Women of Canada, spoke to the special committee studying Bill C-36 on anti-terrorism. She said: "Since September 11, we as visible minorities have gone from suspicion to outright accusation."

Honourable senators, we must ensure that, as these laws are implemented, racial profiling does not become one of the methods used in dealing with passengers when they travel within and outside of Canada. Not only is racial profiling morally indefensible, but it is also contrary to our Charter of Rights and Freedoms and our human rights legislation.

### HABITAT FOR HUMANITY

**Hon. Catherine S. Callbeck:** Honourable senators, I am pleased to rise today to recognize the efforts of all who are involved around the world with the wonderful organization Habitat for Humanity.

Since 1976, Habitat for Humanity has built more than 125,000 houses in over 80 different countries. This is a great organization that does not discriminate according to race, religion or ethnic background and that makes affordable housing available to low-income people worldwide.

This past weekend, I was honoured to take part in an event in Charlottetown where the keys to three new homes were presented to three Island families. These families, if not for this fine organization, may not otherwise have been able to enjoy what so many of us take for granted.

The three homes — one single-family dwelling and one duplex — were the work of well over 200 dedicated volunteers, as well as the families themselves, who were on site almost every day during construction.

The benefits to the families who receive a Habitat for Humanity home are considerable and go well beyond the obvious luxury of a warm bed and a comfortable place in which to raise one's family. The lower mortgage payments allow more of a family's income to be spent on such things as food and education.

Habitat for Humanity is about realizing dreams, about fulfilling a lifetime's worth of ambition and, perhaps most important, about giving our children the best possible chance for success.

I am so proud of the work of Jim Wicks, Chairperson of Habitat for Humanity in the Queen's Region of Prince Edward Island, of his board of directors and of all the volunteers. I wish them all the best as they continue their good work.

[Translation]

## FRANCOPHONIE SUMMIT, 2002

**Hon. Gérard-A. Beaudoin:** Honourable senators, the ninth conference of heads of state and government of countries using French as a common language was held in Beirut this past October 18 through 20.

As we all know, Canada is active in two major world forums, the Commonwealth and the Francophonie.

• (1410)

Our involvement in these two forums is a reflection of how we are perceived throughout the world. These two forums give us two distinct venues for participating in the leading debates of the day. We are also a member of the G8.

The Prime Minister was, appropriately, the representative of our country at Beirut. There was provincial participation as well.

In the early 1970s, the Government of Canada, under Prime Minister Pierre Elliott Trudeau, had proposed having a "participating government status" within the Agence intergouvernementale de la Francophonie. Quebec was awarded that status in 1971 and New Brunswick in 1977. The premiers of both these provinces were in attendance at Beirut.

In 1985, the Francophonie Summit was created on the instigation of Prime Minister Mulroney and French President François Mitterrand. At these summits, Quebec and New Brunswick have participating government status.

I am delighted with this successful collaboration within the Canadian federation and want to draw attention to it.

[English]

## VIOLENCE AGAINST WOMEN

**Hon. Mobina S. B. Jaffer:** Honourable senators, the YMCA has chosen this week to highlight violence and to unite Canadians against violence in our communities, especially violence that targets women. At least 51 per cent of all Canadian women have experienced some form of physical or sexual violence. This is unacceptable. Last year, more than 75,000 Canadians participated in over 150 activities organized by local YWCAs. I am pleased to inform honourable senators that the National Board of the YMCA joins us here in the chamber today.

The YMCA is the largest service organization for women in Canada. Violence against women is an obstacle to the achievement of equality, social progress and social stability. Not only does this violate women's rights under the Canadian Charter of Rights and Freedoms, but it also impacts women's ability to grow and develop into healthy, well-adjusted, contributing members of Canadian society.

Violence against women happens everywhere: at home, in schools and in the workplace. It can take many forms — emotional, psychological, sexual and physical — and it affects a woman's sense of self, her self-confidence and self-esteem. A victim of violence is more likely to suffer from chronic health

problems, including depression, eating and anxiety disorders. She is more prone to hospitalization and suicide. Her experience makes it more difficult for her to maintain a job and enjoy financial security. In effect, it imprisons her in a vicious cycle.

Violence is a trauma that many suffer in silence. Aboriginal women and women of minority status are particularly vulnerable. To stop this violence in our society, we need to take action. We need to speak about violence in order to influence values and attitudes and change behaviour.

Honourable senators, the YMCA's Week Without Violence reminds us all of the work that still remains with regard to violence against women.

[Translation]

## THE LATE PROFESSOR HUBERT GUINDON

### TRIBUTE

**Hon. Roch Bolduc:** Honourable senators, this country has lost one of its clearest thinking intellectuals. Hubert Guindon passed away last week. I met Hubert during my post-graduate studies in the United States in 1952. Born in Eastern Ontario, he had a degree in philosophy and was studying at the Department of Sociology of the University of Chicago at the time.

Hubert did not live like the rest of us: in the evening, he played bridge at International House, where we lived; he worked during the night and slept in late in the morning. I do not know if that was part of his non-conformist mentality, but he certainly was a great thinker and he had a keen sense of political and social observation.

He read everything, from Marx to Louis Irving Horowitz, in the best tradition of university studies. During the summer, he did fieldwork in empirical analysis, taking up the work of Léon Gérin in Saint-Denis de Kamouraska. He also led a team with Fernand Cadieux, who greatly influenced Pierre Elliott Trudeau.

Upon his return from Chicago, he taught at the Université de Montréal, where I was a lecturer in public administration. We pursued our discussions between two periods at hockey games at the Forum until just recently. His students loved him because he was a born educator.

I do not think that Canada has produced another expert in social sciences who comes as close to C.W. Mills as he did. He covered the whole broad field of social organization and action at home. In 1963, he was the first person to point out that, with the nationalization of colleges and hospitals, Quebec's bureaucracy was being revolutionized.

Hubert Guindon was skeptical about the future impact of these new adventures, as he always took with a grain of salt the moralizing statements made by the leaders of various social movements and groups with corporatist tendencies. He had harsh views on such institutions as the Church, the universities, Parliament and political parties, professions and unions.



Hubert left the Université de Montréal because of academic differences and moved on to Concordia University. He published mainly in English. A few years ago, a Toronto publishing firm reprinted some of his writings for academic journals. His speech to the Royal Society of Canada on seriousness and solemnity, entitled: "Du sérieux et du solennel," reflects his sharpness of mind and his sense of humour. These past years, he was putting the final touches on a book on the great Hannah Arendt. I hope that a colleague of his will be able to publish it.

Hubert was also a man of great charity who provided supportive care to dying AIDS patients until the end. He lived in the inner city of Saint-Henri, and all loved him. He was a modern-day St. Francis of Assisi from whom a battered Church, with which he had made peace, sought advice from time to time. In his retirement, at his country home, he baked bread and gave it to the Carmelites who lived nearby.

[English]

## CANADA-UNITED STATES RELATIONS

**Hon. Gerry St. Germain:** Honourable senators, I rise to call your attention to what can only be described as a deplorable situation that has developed between Canada and the United States. Bilateral relations have reached a 20-year low, possibly an all-time low. Not since the Trudeau era has there been such contempt between our two nations. Prime Minister Mulroney repaired and rebuilt Canada's relations with its largest trading partner and its best friend, resulting in the best bilateral relationship in the last century. These relations gave us environmental agreements, international strength and security for our people, free trade and NAFTA. Certainly there were disputes, but mutually agreeable compromises were found.

Today, we find ourselves at odds with our American friends over the issues of softwood lumber, farm subsidies, environmental problems, and immigration and national security, to name but a few.

Where, not so many years ago, Canada was at an economic par with the U.S., today, Canadians have fallen behind their American friends and neighbours. A recent poll says 66 per cent of Canadians want closer economic and cultural ties with the U.S. to increase their standard of living. The survey showed that left-leaning members of the Liberal caucus, the New Democrats and the Nationalists are out of touch with Canadians. Eighty-seven per cent of Canadians believe Canada needs to look beyond its borders to survive economically. With the U.S. purchasing some 80 per cent of our GDP output, it should come as no surprise that fostering excellent relationships between the two nations will only lead to an even stronger economic climate here in Canada.

A J.P. Morgan study released last Friday shows that all the gains achieved through the free trade deal have been lost within the last two years. Only socialist Liberals and handout seekers are fearful of the Americans. Only those who do not want to compete on an equal footing and those who want a low dollar policy oppose stronger cross-border ties. Canadians want and deserve a better standard of living. Canadians want a government that is not afraid to stand tall and shoulder-to-shoulder with our American brothers and sisters.

Honourable senators, the only thing to fear is fear itself.

• (1420)

## ROUTINE PROCEEDINGS

### COMMITTEE OF SELECTION

#### THIRD REPORT OF COMMITTEE PRESENTED

**Hon. Bill Rompkey,** Chair of the Committee of Selection, presented the following report:

Tuesday, October 22, 2002

The Committee of Selection has the honour to present its

#### THIRD REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

#### STANDING COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Carney, Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, Pearson, Sibbeston, St. Germain, Stratton and Tkachuk.

#### STANDING COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, Moore, Oliver, Tkachuk and Wiebe.

#### STANDING COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, Meighen, Poulin, Prud'homme, Setlakwe, Taylor and Tkachuk.

#### STANDING COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Baker, Banks, Buchanan, Christensen, Cochrane, Eyton, Finnerty, Kenny, Milne, Spivak, Taylor and Watt.

#### STANDING COMMITTEE ON FISHERIES

The Honourable Senators Adams, Baker, Cochrane, Comeau, Cook, Hubley, Johnson, Mahovlich, Moore, Phalen, Robertson and Watt.

#### STANDING COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Austin, Bolduc, Carney, Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, Setlakwe and Stollery.

## STANDING COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Beaudoin, Jaffer, Ferretti Barth, Fraser, LaPierre, Maheu, Poy, Rivest and Rossiter.

## STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Angus, Atkins, Austin, Bacon, Bryden, De Bané, Doody, Eyton, Gauthier, Gill, Jaffer, Kroft, Poulin, Robichaud and Stratton.

## STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Baker, Beaudoin, Bryden, Buchanan, Cools, Furey, Jaffer, Joyal, Nolin, Pearson and Smith.

## STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Bolduc, Forrestall, Morin, Lapointe and Poy.

## STANDING COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Biron, Bolduc, Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty, Furey, Gauthier, Mahovlich and Murray.

## STANDING COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Cordy, Day, Forrestall, Kenny, Meighen, Smith and Wiebe.

## STANDING COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Beaudoin, Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool and Maheu.

## STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Bacon, Di Nino, Grafstein, Joyal, Losier-Cool, Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton and Wiebe.

## STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin and Phalen.

## STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Biron, Callbeck, Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre, Phalen and Spivak.

Pursuant to Rule 87, the Honourable Senator Carstairs, P.C. (or Robichaud, P.C.) and the Honourable Senator Lynch-Staunton (or Kinsella) are members *ex officio* of each select committee.

Respectfully submitted,

WILLIAM ROMPKEY  
*Chair*

**The Hon. the Speaker *pro tempore*:** When shall this report be taken into consideration?

**Hon. Marcel Prud'homme:** At the next sitting.

**Senator Rompkey:** I believe all honourable senators know, we have been working on time constraints. The report will be circulated, and I hope we can discuss it later this day.

**Senator Lynch-Staunton:** Out of order.

**The Hon. the Speaker *pro tempore*:** Is leave granted?

**Some Hon. Senators:** No!

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Hon. Sharon Carstairs (Leader of the Government):** With the greatest respect, honourable senators, this is a procedural matter. If we do not get unanimous leave to deal with the report today, it is automatically put on the order paper for tomorrow. Therefore, no vote is required.

**Some Hon. Senators:** Hear, hear!

Report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

## NOTICE OF MOTION TO ADOPT FOURTEENTH REPORT OF COMMITTEE PRESENTED IN FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT

**Hon. Jean-Robert Gauthier:** Honourable senators, I give notice that on Thursday next, October 24, 2002, I will move:

That the recommendations and proposed rules contained in the Fourteenth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented to the Senate in the First Session of the 37th Parliament on June 11, 2002, be adopted, mainly:



**1. a) Recommendation:**

That the Senate adopt a procedure that would

(a) enable the Senate, following its approval of a report submitted by a select committee, to refer that report to the Government with a request for a comprehensive response within 150 calendar days;

(b) require the Leader of the Government in the Senate to either table the Government's response within the 150 day period or provide the Senate with an explanation; and

(c) deem the report and the comprehensive response to be referred upon tabling to the select committee for review, and provide that the select committee be deemed to have been referred the matter for consideration should the 150 day period lapse without a comprehensive response being received.

**b) Proposed Rule:**

That the Rules of the Senate be amended in rule 131,

(a) by renumbering rule 131 as 131(1); and

(b) by adding after subsection 131(1) the following:

"Request for Government response

(2) Where the Senate adopts either a resolution or a report from a select committee, other than the report on a bill, requesting the Government to provide a full and comprehensive response to the report, the Clerk of the Senate shall communicate the request to the Government Leader in the Senate who shall, within one hundred and fifty calendar days after the adoption of the report, either table the Government's response or give an explanation for not doing so in the Senate.

(3) Where the Senate adopts a resolution or a report under subsection (2), the report of the select committee and the response of the Government or the explanation of the Government Leader for the absence of a response are deemed to be referred to the select committee one hundred and fifty calendar days after the adoption of the report."

**2. a) Recommendation:**

That the Senate adopt a rule based on Senator Gauthier's proposal relating to petitions, setting out the requirements as to their form and content, providing for a presentation procedure and providing that the subject matter of each public petition shall be referred to the appropriate standing committee, which shall consider it and, where it believes such action to be desirable, report back to the Senate with findings and recommendations.

**b) Proposed Rule:**

That the *Rules of the Senate* be amended by replacing rules 69 to 71 with the following:

"Presentation of petitions

69. (1) A Senator may present a petition to the Senate, including a petition for the passage of a private bill or for the redress of a grievance.

Senator's signature

(2) A Senator who presents a petition to the Senate must sign it as the sponsor, but the signature of the Senator is not an indication that the Senator agrees with the content of the petition.

Multiple sponsors

(3) More than one Senator may sponsor a petition.

Report attached

(4) A Senator who presents a petition for the purposes of rule 71 shall present it with the report of the Examiner of Petitions attached.

Content of petition

(5) A petition to the Senate must:

(a) be identified as a petition;

(b) be addressed to the Senate or to the Senate in Parliament assembled;

(c) respectfully request the Senate to do something that it is able to do;

(d) if it is the petition of one or more individuals, contain the original signatures of the petitioners, their names and correct addresses and the dates of their respective signatures; and

(e) if it is the petition of a corporation, be dated and duly authenticated and under the seal of the corporation.

Form of petition

(6) A petition to the Senate must:

(a) be in a form prescribed by the Committee on Rules, Procedures and the Rights of Parliament, on sheets of paper of standard or legal size;

(b) be an original, not a photocopy or facsimile;

(c) be legible, whether it is written, typewritten, printed or some combination of these;

(d) be free of extraneous matter in its text and of alterations; and



(e) reproduce on every sheet its identification as a petition to the Senate or to the Senate in Parliament assembled and the text of the request, if it consists of more than one sheet of signatures and addresses.

#### Examiner of Petitions

(7) The Director of Committees shall be the Examiner of Petitions.

#### Petition on behalf of public meeting

70. Petitions signed by persons purporting to represent public meetings shall be received only as the petitions of the persons who sign.

#### Public petitions

71. (1) In this rule, "public petition" means a petition to the Senate or the Senate in Parliament assembled by at least 25 persons, other than Senators and members of the House of Commons, that is filed for examination, presentation, referral and report under this rule.

#### Filing for examination

(2) A person may file a public petition with the Clerk of the Senate who shall, at the request of a Senator who proposes to sponsor it, refer it to the Examiner of Petitions for examination for compliance with rule 69.

#### Referral

(3) Where a Senator presents a public petition in the Senate with a report by the Examiner of Petitions attached advising that the petition is in compliance with rule 69, the petition, its subject-matter and the report shall be referred, without notice and without debate, to the appropriate standing committee.

#### Report

(4) The committee to which a public petition is referred under subsection (3) may report on its findings and recommendations, if any, to the Senate."

### 3. a) Recommendation:

That, with the exception of clauses 26.1(8) to (11), the Senate adopt the substance of the October 16, 2000 motion of Senator Kinsella, seconded by Senator Forrestall, that would add a rule 26.1 to provide for the expeditious consideration of secession referendum questions or referendum results by Committee of the Whole, upon their being tabled in a provincial legislature or otherwise officially released.

### b) Proposed Rule:

That the *Rules of the Senate* be amended, in rule 26,

(a) by adding the following before subsection (1):

"Constitutional business

(1) Constitutional Business: Orders of the Day for motions under rule 26.1(3)."

(b) by renumbering subsections (1) and (2) as (2) and (3) and all cross-references thereto accordingly; and

(c) by adding the following after rule 26:

"Question considered

26.1 (1) Immediately after the government of a province tables in its legislative assembly or otherwise officially releases the question that it intends to submit to its voters in a referendum relating to the proposed secession of the province from Canada, motions to refer that question to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other orders of the day.

Clear majority considered

(2) Immediately after the government of a province, following a referendum relating to the secession of that province from Canada, seeks to enter into negotiations on the terms of which that province might cease to be a part of Canada, motions to refer the subject of the clarity of the majority achieved in the referendum to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other Orders of the Day.

Order of business

(3) Notwithstanding rule 23(8), the Speaker shall call for motions under this rule as the first item of business after Question Period.

Priority

(4) Motions under this rule shall be considered and disposed of in the following order: a motion, if any, by the Government Leader; a motion, if any, by the Leader of the Opposition; a motion, if any, by the leader of a recognized third party in the Senate; motions, if any, by other Senators.

Deemed disposition

(5) Only one order of reference at a time may be made under subsection (1) or (2) and, as soon as an order of reference is adopted, with or without amendment, the remaining motions shall be dropped from the *Order Paper*.

Time

(6) Where the Senate adopts an order of reference under this rule, the Committee of the Whole shall report within fifteen calendar days after proceedings commenced in the Senate under subsection (1) or (2).

Transmission of findings

(7) When the Senate adopts a resolution in respect of a report presented pursuant to this rule, the Speaker of the Senate shall transmit copies of the resolution and of all proceedings held under this rule in the Senate and in the Committee of the Whole, including a complete copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada."

[English]

## QUESTION PERIOD

### NATIONAL DEFENCE

#### BUDGET CUTS TO RESERVE UNITS

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. Is the Leader of the Government able to confirm that all militia units have been told they are facing a 10 per cent budget cut?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator asks a question for which I cannot provide an answer. I have no knowledge whatsoever that the reserve units have been told that they are subject to a 10 per cent cut in their budget. I will, however, seek that information on the honourable senator's behalf.

While I am on my feet, I will answer two other questions that he has now asked twice and that I have not been able to answer.

With respect to the PPCLI heavy equipment that was brought from Afghanistan back to Canada, it is now in Vancouver and is waiting to be off-loaded from the ships there.

In terms of the honourable senator's question with respect to the 2RCR Battle Group, the group is undertaking collective training that will progressively bring it to a high level of readiness, in accordance with the army's previously approved readiness schedule.

It is a perfectly normal aspect of their training. The honourable senator is correct, there was some postponed parental leave. It was not cancelled, but postponed, and the men agreed to do that.

**Senator Forrestall:** It would be miraculous if you could postpone maternity leave.

I appreciate the minister was not in a position to answer my first question and will likely not be able to answer the first, and possibly the second, supplementary. However, I shall pose them

in the hope that she may include them. Will the minister find for us the reason for this budget cut? Is it to help defray the costs associated with Operation Apollo and to help fight the operation and maintenance deficit of the army, now valued at about \$175 million annually? Could the minister also tell the chamber if all Canadian Forces units are facing a 10 per cent budget cut to their individual unit budgets?

• (1430)

**Senator Carstairs:** As the honourable senator indicated in the preamble to his question, I am not able to provide that information except for one aspect of it, namely that Operation Apollo, which has a shortfall of funding of some \$400 million, will be funded by Supplementary Estimates. That would not fall into the category that the honourable senator has identified, but I will try to generate the information that he has requested with respect to the other expenditures.

**Senator Forrestall:** I express the hope, on behalf of a lot of Canadians, that the Supplementary Estimates will benefit those men and women who have to fly Sea King helicopters.

### FOREIGN AFFAIRS

#### FRANCOPHONIE SUMMIT, 2002—COMMUNIQUÉ ENDORING SAUDI ARABIAN PROPOSAL OF LAND FOR PEACE

**Hon. David Tkachuk:** Honourable senators, my question is to the Leader of the Government. At the meeting of La Francophonie in Beirut, Canada signed the final communiqué that reportedly endorsed the land-for-peace agreement proposed by Saudi Arabia in March. Is the Saudi Arabian proposal for a solution to the Palestinian terrorist acts the policy of the Government of Canada?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I understood the preamble insofar as my honourable friend talked about the agreement of land for peace, but I am afraid I missed the second part of the question. Would he repeat that for me, please?

**Senator Tkachuk:** At the meeting of La Francophonie in Beirut, Canada signed the final communiqué along with all the other countries. That final communiqué reportedly endorsed the land-for-peace agreement proposed by Saudi Arabia in March. Is the Saudi Arabian proposal for a solution to the Palestinian terrorist acts the policy of the federal government?

**Senator Carstairs:** Honourable senators, first, I cannot tell the honourable senator whether the final communiqué included a sign-off on the land-for-peace agreement proposed by Saudi Arabia. I would have to investigate that communiqué before I could make any further statement on that issue.

**Senator Tkachuk:** Are we to assume, then, that the Leader of the Government in the Senate does not know the details of the final communiqué that was signed off by the Prime Minister on the weekend?



**Senator Carstairs:** I must tell the honourable senator that I have not read the final communiqué. To my knowledge, it has not appeared on my desk. Therefore, I cannot distinguish whether the so-called land-for-peace agreement was part of that communiqué.

FRANCOPHONIE SUMMIT, 2002—ATTENDANCE  
OF LEADER OF HEZBOLLAH

**Hon. David Tkachuk:** Honourable senators, Sheikh Hassan Nasrallah, the so-called “spiritual leader” of the Hezbollah, a terrorist organization, attended La Francophonie. Did the Prime Minister know in advance that the sheikh was attending and did we raise any objections to his attendance?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that the Prime Minister did not know that he was attending, although I found it interesting that the person sitting next to the individual in question was, in fact, the American ambassador. In terms of the actual attendance at the meeting, my understanding is that the Prime Minister did not know that the sheikh was in attendance.

**Senator Tkachuk:** Honourable senators, I am a little confused. The minister knows who was sitting next to the terrorist leader of the Hezbollah, but she does not know what was in the communiqué that Mr. Chrétien signed last weekend as the Prime Minister of the country. My honourable friend is a cabinet minister and the Leader of the Government in the Senate. We know who sat next to the terrorist leader, yet we do not know what is in the agreement and we do not know what the Prime Minister signed off on.

How does my honourable friend know that the American ambassador sat next to the leader of the Hezbollah? The Honourable Senator LeBreton, who is sitting next to me, says that it is not true and that he did not sign the communiqué, but I do not know. I want to know whether the Government of Canada and the Minister of Foreign Affairs knew, in advance, that the sheikh would be attending the conference in Beirut, and did they protest his attendance?

**Senator Carstairs:** Honourable senators, it is my understanding that the Prime Minister did not know that this leader of the Hezbollah was in fact attending this conference. Whether others knew, I do not know. As to the actual appearance of the American ambassador, there was a picture in the newspaper and so it was relatively easy to get that information.

The communiqué that has been signed has not appeared on my desk; only newspapers appeared on my desk. Therefore, I cannot at this time tell my honourable friend what was in that communiqué. If it is of concern to the honourable senator, I am sure I could get copies of the communiqué and table them in the Senate.

RECOGNITION OF HEZBOLLAH AS  
TERRORIST ORGANIZATION

**Hon. David Tkachuk:** Honourable senators, does the Leader of the Government in the Senate and does the Government of Canada recognize the Hezbollah as a legitimate organization or do they see them as a terrorist organization?

**Hon. Sharon Carstairs (Leader of the Government):** The Hezbollah organization has many arms, many branches. The branch that provides humanitarian aid and the branch that

provides cultural support have not been declared by the United Kingdom as terrorist organizations. There are, however, aspects of the Hezbollah that have been so designated, although some countries have not yet gone through the formal process that we have in identifying certain organizations as terrorists at the highest level of legislation that is presently permitted to us.

[Translation]

**Hon. Pierre De Bané:** Does the Leader of the Government in the Senate recognize that one of the most consistent elements of Canada's foreign policy is to work against the exclusion of participants at international forums?

The Canadian government has been following this policy for years and one of the countries that benefited from it is Israel; we always fought to ensure that no one was excluded. Does the Leader of the Government in the Senate agree that Lebanon is a democratic country and that the Hezbollah is a party that got a number of members elected to the Lebanese Parliament?

The Canadian government has had contacts with this party, which sits in the Lebanese Parliament, for years. If the Canadian government were to follow the reasoning of my colleague, it should withdraw from all international organizations where it objects to the presence of one of the representatives.

[English]

**Senator Carstairs:** I thank the honourable senator for his question. As he has identified, Canada has had a history of discussion and dialogue — repartee, if you wish — the purpose of which is to find peace and security in a world order that values peace and security. Lebanon is indeed a democratic country. It might surprise honourable senators opposite to learn that in that democracy, 12 members of Parliament, elected by the people, are members of the Hezbollah political party.

The issue is very simple. The Government of Canada continues to dialogue. It condemns terrorist activities, no matter who perpetrates those terrorist activities.

JUSTICE

VISIBLE MINORITIES APPOINTED TO JUDGESHIPS

**Hon. Donald H. Oliver:** Honourable senators, my question is to the Leader of the Government in the Senate. It deals with visible minority appointments to the superior courts of Canada. The minister is intimately aware of many gender parity issues that continue to plague Canada, and I know the minister is sensitive to the needs to have our major institutions more carefully reflect the mosaic of Canada.

Would the minister advise the number of visible minorities, as defined by federal government legislation, that have been appointed to the superior court bench since the Chrétien government took power in 1993? How many judges have been federally appointed from the province of Nova Scotia since 1993? How many of those appointments have been visible minorities? How many Black lawyers have been elevated to the Superior Courts of Canada since 1993? How many Black or visible minorities are now chief justices of any courts in Canada?



• (1440)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator asks an extraordinarily detailed question. Obviously, I will have to get back to him with an equally detailed answer, and I will do so at the earliest opportunity. He knows, however, that if one is to define oneself as a visible minority, it is a self-designation. Therefore, it may not be something that I can necessarily get him in absolute detail.

I can say that I personally was extremely delighted with the appointment of a member of the Aboriginal community to the court in Manitoba not too long ago. It was the first time that had occurred in my province, and for me, it was a giant step forward. Having spent a good deal of my life in Nova Scotia, I do understand where the honourable senator is coming from, and I will try to get the most detailed information for him.

## THE ENVIRONMENT

### 2002 REPORT OF COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT— CLEANUP OF FEDERAL CONTAMINATED SITES

**Hon. W. David Angus:** Honourable senators, the Commissioner of the Environment and Sustainable Development, Johanne Gelinas, published her 2002 report this morning. Chapter 2 of this six-chapter report is entitled: "The Legacy of Federal Contaminated Sites." Honourable senators, what a sad and shocking legacy it is.

The exact number of contaminated sites is not known even by the Canadian government. The government owns sites contaminated by petroleum products, heavy metals and other toxic substances that gravely threaten human health and the welfare of our citizens.

The commissioner found, honourable senators, that the federal government still does not know the following: how many of the sites are contaminated, the full extent of the risk to human health in the environment and the likely cost of cleaning up and managing these sites. Furthermore, the government does not have a ranking of the worst sites by order of risk, does not provide the long-term stable funding needed to manage the problem effectively and, most important, does not have the firm central commitment, leadership and action plan essential to the timely cleanup for management of high risk contaminated sites under its control.

Honourable senators, the health threat is very real. There is a real danger of water contamination in sites in every region of our country. The health of our most vulnerable citizens — our children, our disabled and our elders — is at risk.

Honourable senators, my question is to the Leader of the Government in the Senate. Canadians must have immediate assurance that the government will allocate more funding to clean up every last contaminated site in this nation. Do we have such an assurance from the government?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator raises a report that was tabled this morning by the Commissioner of the Environment and Sustainable Development, and it is not good news for Canada. He is absolutely correct. The good news that was there was limited in

nature. There was some indication that we have done a little better than we were doing in 1996, and there was more information, a little more money and some prospect for a little improvement. However, the reality is that if we do not take a major step in this way, the problems will continue, and they will explode and become worse than they are today.

Honourable senators, I have no disagreement with Senator Angus, and, on behalf of both of us, I will bring his representation before the cabinet because this report shows us that we have a great deal more to do.

**Senator Angus:** Honourable senators, I thank the minister for that candid response and the indication that she will carry the message to the powers that be at the centre. A poll undertaken by Environics in October 2001 showed that 84 per cent of Canadians felt that cleaning up communities affected by this kind of toxic waste and contamination is extremely important, and 78 per cent felt it was even more important than cutting personal income taxes, for corporate taxes, it was 91 per cent. Imagine that, honourable senators.

The report of the commissioner says that it is far easier and less costly — up to 40 per cent less expensive in the case of ground water supply contamination, according to an estimate by the U.S. Environmental Protection Agency — to prevent environmental damage than to try to correct it after contamination occurs. Pollution prevention is extremely important, as the minister clearly agrees.

What, then, is the plan of the government to prevent future contamination of this nature, and, of course, to contain and clean up the current contamination?

**Senator Carstairs:** Honourable senators, I do not know if I can go so far as to say to the Honourable Finance Minister that Honourable Senator Angus recommends there should be no cuts to either personal or corporate taxes but that all that money should be used to support the environment. I have perhaps taken a little liberty with what the honourable senator had to say, so I will not put those words in his mouth.

However, some things of a positive nature have happened, and some of them have taken place since the audit was done. For example, in 2002, just this year, the Treasury Board issued policy guidelines on how to estimate the cost and liabilities of federal contaminated sites because we do not actually know what those costs will be, and we need to have at least a reasonable figure as to what it will be. Also in 2002, the Treasury Board publicly released an inventory of federal contaminated sites that includes an assessment of the risk posed by these sites. That is the first time that has happened.

I would agree that there has been, at least, a little bit, though not enough, of progress, and we seem to be moving in the right direction.

**Hon. Marcel Prud'homme:** On a supplementary question, while the minister is doing all this research and providing all the answers, would she kindly determine how many of these sites existed between 1984 and 1993?

**Senator Carstairs:** Honourable senators, I think it is safe to say that all of the sites that we are referring to have occurred and have existed for a long time. Frankly, I do not consider that an excuse for us not to act. The action must be ongoing. This is the legacy we are leaving to our children, grandchildren and, hopefully, great grandchildren, and they should not be left entirely to deal with the issue.

## VETERANS AFFAIRS

### COURT CASE AGAINST GOVERNMENT BY DISABLED VETERANS

**Hon. Michael A. Meighen:** Honourable senators, my question is for the Leader of the Government in the Senate. As she well knows, last week the Supreme Court of Canada agreed to hear an appeal of a class action lawsuit against the government brought on behalf of roughly 10,000 disabled veterans who had been declared incompetent to manage their own affairs. They are suing for the unpaid interest on money the government had held in trust for them over the decades. The amount that could be owed to the veterans is thought to be between \$3 billion and \$5 billion.

Honourable senators, this case could have been settled years ago. However, by fighting it, the government has callously deprived veterans of their own money and further driven up the cost, to taxpayers, of compensation. It is estimated another \$2 million a week in interest is continuing to accrue in a case where two lower courts have already ruled against the government.

Could the leader tell us why the government did not settle this suit when it had the chance? Will it now do the honourable thing and pay the veterans back before more of them die without receiving a cent of their own money?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, clearly the government does not take the position that there is a valid claim. That is why the case is going further in court, and, because it is in court, he knows I can make no further comment.

## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. The Prime Minister has said that he would consult Parliament before ratifying the Kyoto Protocol, and then, a few weeks ago, he said he would ratify it before Christmas. The provinces have clearly indicated they need to review the facts, the government's plan and the cost implications before they could be party to it. Ratifying the Kyoto Protocol could possibly present the greatest negative impact on Western Canada in recent times.

Can the minister tell the Senate when the government will release its plan, and will the government seek unanimous support from each of the provinces before ratifying Kyoto?

• (1450)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the federal, provincial and territorial ministers were to have met yesterday with respect to the Kyoto accord. That meeting has been postponed for one week. The meeting will be held next Monday, at which time the government will present a plan to the provinces in the hope that the provinces will enter into dialogue with respect to that plan and make available to the federal government their suggestions for how Kyoto targets can be met.

Regarding the announcement by the government that there will be a ratification vote, it will be held in both chambers. The government has indicated that they would like that vote to take place prior to Christmas. However, as the honourable senator knows, Parliament frequently has its own timetable. I can assure the honourable senator that the ratification will take place in the House of Commons and the Senate of Canada.

As to the comment that unanimous approval of all the provinces is required before ratifying the Kyoto accord, quite frankly that is not the case, as it is an international treaty.

**Senator St. Germain:** Honourable senators, I have a supplementary question.

It may be an international treaty, but the senator from Manitoba, the Leader of the Government in the Senate, knows of the negative impact and divisiveness of the National Energy Policy. Once again, it appears that there is a high degree of insensitivity to the needs of the West.

Take a look at parks. The government wishes to turn the entire western part of Canada and the North into parks without taking into consideration the economic needs of these regions. The largest block of the vote comes from Eastern Canada.

Here again the Leader of the Government in the Senate is saying the government does not need unanimous support. Does the government not feel that this type of initiative requires unanimous support to prevent the divisiveness and the separatist mentality from feeding on it, an attitude that has been created in the West by Central Canadian decisions?

**Senator Carstairs:** Honourable senators, I will go back and canvass a few of the issues that the honourable senator has spoken of.

First, I come from a western province where the government supports the ratification of the Kyoto Protocol 100 per cent.

Interestingly, at the time of the origination of the National Energy Program, I happened to be in transition from the province of Alberta to the province of Manitoba and considered myself to be a full-fledged Western Canadian. I supported the National Energy Program, because when I compared it with the new oil, old oil policy south of the border, particularly in the State of Texas, it was apparent Albertans were at an advantage to their American brotherhood.



**Senator St. Germain:** Honourable senators, it is the same senator who now sits in the Senate that during the Meech Lake debate said this chamber should be abolished or destroyed.

How does the Leader of the Government in the Senate now justify the argument that because she supported the National Energy Program these divisions do not exist and are being fed by these types of initiatives where unanimous support is not sought?

**Senator Carstairs:** Honourable senators, to be very clear on my position on the Senate, and we will rewrite history here, because at no point did I ever, in any fora, talk about the abolition of this chamber. It would be very hard for me to have done so with a father who sat here for 25 years. He would have gotten out of his grave to let me know definitely that my views were erroneous on that particular issue.

If the honourable senator is asking me whether I have supported the initiatives for a more equal, elected and effective Senate, yes, I have supported those initiatives, and still do.

**Hon. Leonard J. Gustafson:** Honourable senators, is there a danger that Canada may sign an agreement like we did in the GATT, when Canada gave away certain rights and went on to keep its part of the agreement whereas the rest of the countries did not? Agriculture has suffered ever since. We moved in a positive way according to the agreement, but the rest of the countries did not. Is there any safeguard in this area?

**Senator Carstairs:** Honourable senators, we know that the Americans have indicated that they will not support the Kyoto Protocol. On the other hand, we know that all of the European Union countries are in agreement with the Kyoto Protocol, as are a number of other nations throughout the world.

The step we must take is one that is in the best interests of Canada. I believe that what is in the best interests of Canada is signing the Kyoto Protocol.

In signing the Kyoto Protocol, there may be some minor downsides. However, there will be terrific upsides, including, I hope, the recognition that we need a higher percentage of ethanol in our gasoline tanks throughout this country.

## FOREIGN AFFAIRS

### FRANCOPHONIE SUMMIT, 2002— ATTENDANCE OF LEADER OF HEZBOLLAH

**Hon. Laurier L. LaPierre:** Honourable senators, I wish to ask a supplementary question regarding the matter of the Francophonie conference.

Honourable senators, I do not want anyone to have the impression that the Prime Minister of my country consorts with terrorists; I do not want that to happen. Therefore, my question to the Leader of the Government in the Senate is: Did the government know that the particular leader of the Hezbollah in question was not invited by the secretariat of la Francophonie itself but by the President of the sovereign country of Lebanon? He only attended, if memory serves me right, the first session, the opening session, sitting next to the American ambassador and the bishop of the Maronite Orthodox Church of Lebanon.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for that information, which reconfirms what I indicated earlier; that is, that the Prime Minister did not know he had been invited and did not know that he was in the room.

In fact, he went on to say, in comments to the media, that he does not always like everything that people have to say and that probably people do not like everything that he has to say. However, I should hope that Canada will continue to engage in dialogue.

### UNITED STATES DEPORTATION OF CANADIAN CITIZEN TO SYRIA

**Hon. Marcel Prud'homme:** Honourable senators, — I am sure we would all agree with the statement made earlier by Senator Oliver.

As you know, new U.S. laws permit border officials to pluck Canadian citizens born in Syria, Iraq, Iran, Libya, Sudan, Saudi Arabia, Yemen and Pakistan from border crossings and force them to submit to fingerprinting, photographing and filling out a form detailing their travel plans. Canada has protested very strongly because it penalizes certain Canadians.

My question is: Are there any new developments respecting the Canadian citizen whose whereabouts are more or less known? I will be in touch with the Syrian government this afternoon. Is there any development? I think, if it were someone else of another origin or another religion, Canada would be in an uproar, and the press would be in uproar, as would both Houses.

Until it is proven otherwise, this man is a Canadian citizen who, as the Canadian government said, went through all security tests before he became a Canadian citizen. I wonder if the leader has the latest news about this very dangerous precedent of deporting someone because he happened to land in the United States?

If there were a place he should have been deported to, it is Canada, where he is from.

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator has indicated, Mr. Maher Arar has been identified by the Syrian government as someone who is in Syria. He has not been in Syria, according to them, throughout this whole period of time. He was apparently in Jordan for a time but is now in Syria.

Unfortunately, the situation is that he is not only a Canadian citizen; he is also a Syrian citizen. The United States should have taken his travel document, identified him as a Canadian citizen and, if they were going to deport him anywhere, deported him to Canada. We do not have the same authority with respect to Syria because they can choose to treat him as a Syrian citizen rather than as a Canadian citizen. The Canadian government has made representation to Syria, and we hope that Mr. Arar will be allowed to return to Canada because, although he still maintains his citizenship in Syria, he makes his home in Canada.



• (1500)

## POINT OF ORDER

**Hon. Laurier L. LaPierre:** Honourable senators, I rise with a certain amount of sadness to deplore a situation in this chamber that is discriminatory to some of us, if not many of us, who are finger-challenged. Many people in this august group use that little BlackBerry, blueberry, raspberry, or whatever it is called. They play with it and they get all the information they want. Those of us suffering from arthritis in our hands cannot hold a BlackBerry, a blueberry or a raspberry. The end result is that we are discriminated against because we cannot bring our computers into the chamber. The computers used by the parliamentary reporters and by Senator Gauthier do not make any noise. Most modern computers on the planet do not make any noise.

The time has come for Her Honour to take us out of the 12th century and bring us into the 21st century by allowing laptop computers to be used in this chamber, like all the civilized legislatures on Planet Earth.

**Hon. Marcel Prud'homme:** First, honourable senators, let me congratulate the Honourable Senator P  pin on her appointment as Speaker *pro tempore*.

Second, I would ask Senator LaPierre to make the necessary motion to send this important point of order to the Standing Committee on Rules, Procedures and the Rights of Parliament for review.

[Translation]

**The Hon. the Speaker pro tempore:** Honourable senators, I thank you for raising this issue, but I think that we must now move on to the Orders of the Day.

[English]

## ORDERS OF THE DAY

### SPECIES AT RISK BILL

#### SECOND READING

**Hon. Tommy Banks** moved the second reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

He said: Honourable senators, I am proud once again to reintroduce to you the grand old lady of legislation, SARA, the Species at Risk Act.

When considering this proposed legislation, we must remember that there is now overwhelming support for national legislation to protect endangered species. Canadians do not want species to become extinct because of human activity. This proposed legislation would be familiar to most of us. It has been nine years in the making. It is the product of the most remarkably

thorough consultation and study and re-examination and amendment. It has been a cumulative process of negotiations and agreements. I am proud to present this legislation to honourable senators. This bill takes into account the different approaches and the various needs of those who have a stake in species protection. Much time has been spent in finding the right balance and the best practices to make Bill C-5 efficient and fair.

The proposed legislation now has a very broad base of support in Canada. It is supported by provincial and territorial governments, municipal governments, Aboriginal peoples, non-governmental organizations, farmers, ranchers and fishermen, representatives of industry and many other interested Canadians.

I hope honourable senators will allow me to summarize briefly four of the most important points of the species at risk bill. First, the bill is only one component of an overall strategy for the protection of species at risk. That strategy depends upon an effective federal-provincial-territorial working relationship under the umbrella of the accord for the protection of species at risk.

Last month, Canada's wildlife ministers all met in a successful meeting in Halifax to discuss their progress on this issue. The accord has fostered a number of provincial and territorial actions to protect species, many of them rooted in law. The proposed legislation is the Government of Canada's response to its own obligations under that accord. We cannot and should not and must not demand less of ourselves than we do of our provincial and territorial partners.

Second, protecting habitat is crucially important in the preservation of species. By encouraging landowners rather than forcing landowners to follow voluntary conservation measures, we can safeguard threatened habitat. These measures are both formal and informal, and they are all stewardship agreements involving governments and volunteer organizations, and business and industry.

Many Canadians are involved in stewardship to protect our precious species and to preserve our diverse habitats. Canada must sustain its rich store of ecosystems. Stewardship is its own element through the habitat stewardship program. Stewardship is part of the federal-provincial-territorial accord. It is the essence of this bill that is before us, which I hope will become law.

Third, the proposed legislation assures a rigorous, independent and scientific process to assess species. This is a process that will operate at arm's length from the government. It will create the mechanisms and the powers to do something about those assessments by determining plans to help the species recover.

Fourth, this bill deals with the issue of compensation. As many honourable senators would agree, anyone who is treated unfairly or in any way made to suffer a loss from the extraordinary impact of critical habitat should be compensated in a fair and reasonable way. Work has already begun on general regulations for compensation, and more specific regulations will be developed over the next few years. These regulations will be built on practical experience gained in implementing the stewardship of the species at risk bill.

This proposed legislation complements actions already underway. It is a truly pan-Canadian approach because it emphasizes cooperation through conservation actions and incentives and stewardships. It proposes stronger measures to protect critical habitat. It proposes independent, scientific assessment of species. It proposes appropriate compensation measures.

It is time, honourable senators, for this legislation to proceed. I hope that all honourable senators will agree that Bill C-5 should be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its consideration. The committee's expertise, in carefully considering this proposed legislation, is an essential step in finally bringing effective protection to the species at risk in our country. It is time to put this legislation to work on the ground where it can actually make a difference and begin to do what it is supposed to do. I commend it to the attention of honourable senators.

• (1510)

**Hon. Mira Spivak:** Honourable senators, I am pleased to speak on Bill C-5, the Species at Risk Act. To echo the words of Senator Banks, I would say, "Here we go again." I would thank Senator Banks for his cogent remarks. I am sure he will not be surprised if I differ slightly from his interpretation of this bill.

More than 10 years ago, Prime Minister Brian Mulroney began the process for Canada and for the world. At the Earth Summit in Rio, he stood up for the global convention on biodiversity — the convention to stem the tide of species loss. He stood up to U.S. opposition to that treaty. The first leader of an industrialized nation to pledge support, he influenced undecided nations, such as Great Britain and Germany, to support the treaty.

In June 1992, Prime Minister Mulroney delivered the Biodiversity Convention. Six months later, Canada became the first industrialized nation to ratify that convention. On December 29, 1993, it entered into force. Since then, it has required — and this is important — Canada to legislate the protection of endangered species.

The present government has spoken of its commitment to protection. It was a Red Book promise. However, between the thought and the action, as T.S. Eliot has said, falls the shadow. In October 1996, the government introduced Bill C-65, the Canada Endangered Species Protection Act, which died at committee stage in the other place when an election was called. In April 2000, the government introduced Bill C-33, the Species at Risk Act. That bill died too, when an election was called. The government introduced Bill C-5, the Species at Risk Act, in February 2001, and then, last month, it prorogued Parliament. Now we have Bill C-5, a reinstatement of version three, with some of the laudable amendments of the House of Commons Environment Committee.

Ten years and four bills. That lends a new meaning to the phrase, "better late than never."

From another perspective, 10 years is a blink in time. Consider the span of time for species to evolve and flourish. A decade has no meaning. Consider the extinction of a species. Ten years means nothing. When the last individual of a species dies, another earth must evolve before that species can live again. We have lost and cannot recover the passenger pigeon, or the blue walleye that lived in Ontario waters, or Dawson's caribou, the woodland caribou of British Columbia.

In another respect, 10 years means a great deal. As the government introduced its bills and allowed them to lapse, two species of fish in British Columbia were declared extinct. In Canada we have recorded 11 extinct species since the mid-19th century. Two of them vanished in 1999. We have 402 species in various risk categories, including the blue whale, which is the largest animal ever to have lived on the planet. In May it was placed on the COSEWIC endangered list, which means that it is facing imminent extirpation or extinction.

Frogs are one good example. Two years ago, a team of scientists led by Jeff Houlahan of the University of Ottawa analyzed data gathered in 37 countries. They found that amphibian numbers overall have been falling for decades at a rate of 2 per cent a year. Canada has seen a 60 per cent reduction in the range of the leopard frog, and its complete disappearance from British Columbia.

The prime reason is the destruction of habitat. The "H" in the acronym HIPPO, which is shorthand for what we are doing to the natural world, "H" stands for habitat destruction, "I" for importing invasive species, "P" for pollution, a second "P" for the swelling human population, and "O" for overharvesting — something we certainly know about in our coastal waters.

Why should we care? I cannot say it any better than Edward Wilson, the eminent Harvard biologist and Pulitzer Prize winner. In his book, *The Diversity of Life*, he wrote:

What difference does it make if some species are extinguished, if even half of all the species on earth disappear? Let me count the ways. New sources of scientific information will be lost. Vast potential biological wealth will be destroyed. Still undeveloped medicines, crops, pharmaceuticals, timber, fibres, pulp, soil restoring vegetation, petroleum substitutes, and other products and services will never come to light.

The diversity of life is an insurance policy for our future, providing us with the means to adapt to climate change and other environmental problems. Do we really want to take the risk of cancelling that insurance?

Last summer I read Edward Wilson's book, *The Future of Life*, and I highly recommend it. Among other things, it gives us an understanding of how dependent we are on the gifts and surprises of the natural world. They include antibiotics, anti-malarial drugs, aesthetics, analgesics, blood thinners, blood-clotting agents, cardiac stimulants and regulators, immunosuppressive agents, anti-cancer drugs, fever suppressants — you get the picture.



Some 40 per cent of all prescription drugs are extracted from plants, from micro-organisms or animals. Therefore, why on earth would we want to destroy a species that may be the source that we need in years ahead? The fact of the matter is that scientists know something about the 71,000 species reported to occur in Canada. They also estimate that roughly the same number remain undescribed or unreported by science. Our country is home to almost one fifth of the world's wilderness. It has one quarter of the world's wetlands, one fifth of its fresh water and one tenth of all its forests. To save the few dozen species that we know are in danger and those that are threatened on the face of it would seem the least that we could do.

Edward Wilson writes:

The strength of each country's conservation ethic is measured by the wisdom and effectiveness of its legislation in protecting biological diversity.

The wisdom and effectiveness are what we are here to examine today, and to judge the wisdom of this bill. If we get it wrong, it will not be effective. If we get it wrong, future generations may not be so benevolent in judging us. This brings me to the substance of the bill.

Honourable senators have heard once, and no doubt will hear several times, that this bill is the best legislation that the government could possibly design. Nine years and all the consultation sessions, et cetera, have led to the drafting of this bill. Perhaps we should not change a comma. Perhaps the bill's nickname, SARA, likens it to an old lady and is deserving of our due deference.

We have two options: We can pretend that is the case. We can pretend that the bill has been forged with great intelligence and great compromise and therefore should not be amended, or we can look at the reality that this is not the bill that our colleagues on the House of Commons Environment Committee wrestled long and hard to make workable. It is not the bill that they recommended. It is not the bill that 1,300 scientists say is needed to give effective protection to Canada's species at risk. It is not the bill that landowners want. It is the bill that the government was prepared to give us, tempered with the fear of a revolt in its ranks if it did not admit to a compromise.

It is, by any measure, a timid bill, but it does not begin to flex the muscle — it could be a first step — that the federal government could legally exercise to protect species at risk.

Before I speak of the bill's deficiency, in my humble opinion, I want to acknowledge its positive points. Among them is the fact that it does legally establish, as Senator Banks has said, COSEWIC, the Committee on the Status of Endangered Wildlife in Canada, which makes the scientific assessment of the status of species. It does require the minister to consult on COSEWIC appointments with such respective scientific bodies as the Royal Society of Canada. It does not, as the scientists have requested, require that at least half of COSEWIC's members come from outside government to ensure that body's political independence.

The bill also establishes a national Aboriginal Council on Species at Risk, to provide advice and add wisdom to the process. That, again, is a very good move. However, in each of the key elements of endangered species legislation — listing, scope, habitat protection, and compensation — this bill is timid.

Consider the first element: listing. The bill confirms COSEWIC for assessments of species, then gives over to cabinet the power to list them as extirpated, endangered, threatened or of special concern, and it gives to the Governor in Council the power to ignore the science-based evidence altogether. It is a formula for political meddling in the logical conclusion of a scientific exercise.

An endangered fox is no less endangered because cabinet does not want it listed. However, in the eyes of the world, or in the eyes of those who know little about our system, we may be seen to be doing a fine job of keeping our lists short.

A more rational regime would clearly separate science and politics. Scientists, through COSEWIC, would list the species and cabinet would decide what action, if any, it would take to protect them. Economic and political considerations would not be ignored. They would be clearly delineated.

Senator Banks has said that most of the provinces and territories have introduced or amended their legislation as a result of signing on to the national Accord for the Protection of Species. However, what are the practical applications of their laws? As of last April, the provincial record was appallingly consistent. Political discretion on listing is available everywhere except Nova Scotia. When left to political discretion, only one third of the species listed by COSEWIC were on provincial lists, leaving 67 per cent of the COSEWIC-listed species in those jurisdictions with no legal protection, no access to funding and no research or recovery planning.

• (1520)

Listing is the cornerstone of the endangered species legislation. I, and many others, believe it should be science based. The Commons committee gave us a compromise — the "reverse onus" option on listing in which a species listed on COSEWIC would become part of a legal list within six months, unless cabinet determined otherwise. The government, under threat of a caucus revolt, agreed to lengthen the time frame to nine months. When cabinet makes that decision, the minister must set out the reason in a statement in the public registry. It is not the best approach, but it is a compromise with which most people can live.

It is important to note that some 233 species already listed by COSEWIC will automatically be listed upon proclamation of this bill, and then the decision will be up to cabinet to reverse, if they so choose.

The scope of the bill is the second element found wanting. The government would have us believe that this bill would protect endangered species wherever they live in Canada, whether on federal lands or in a provincial park. The minister has said so repeatedly, so he must believe it to be true. However, on looking at the precise wording of the bill with respect to killing or harming



an endangered species or destroying its residence under clause 34, this bill does not apply. Clause 34 includes the words, "... to lands in a province that are not federal lands unless an order is made ..." by the Governor in Council. It is called the "safety net approach," an approach that the Progressive Conservative party championed. Let the provinces do their job. If they are not doing it, string out the federal safety net. However, this bill does not ensure that the safety net will ever be unwound.

The government introduced Bill C-5 in the last session of Parliament with language that gives the Governor in Council the discretion to act or not to act in provincial or territorial lands. The Commons committee amended that "may" to "shall" and even left some wiggle room. Cabinet would only be required to invoke federal law if, in the opinion of the minister, it was required. The government found even that unacceptable.

Thus, in this bill, we are left with two distinct classes of species at risk. We have those that, by chance, make their way to federal lands — about 5 per cent of our country outside the territories. By law, they and their dens and nests are protected if they are near a post office, an airport, a military base, a Coast Guard station or a national park. Then we have all the others whose life and residence may or may not be protected by cabinet order, unless they are aquatic species or protected under the Migratory Birds Convention Act. That is what is in this bill.

I can only think that, when the minister wrote, "the government will be obliged to order prohibitions to protect them," he was thinking of the government's moral obligation. This bill imposes no legal obligation on the government to do anything off federal land for any species on the verge of extinction, unless it lives in water or is protected by the Migratory Birds Convention Act, nor does the bill have any specific provision for such transboundary species as the grizzly bear, the woodland caribou or the swift fox.

Constitutional experts say that the government has the power to protect cross-border species and their habitat. The power arises under both section 132 of the Constitution Act, 1867 and the peace, order and good government power under section 91 of the Constitution. An earlier rendition of the bill, Bill C-65, even made a stab at this. Given that between 80 and 90 per cent of all species at risk in Canada cross our border with the United States, this lack of protection is the most obvious loophole.

Three years ago, 12 U.S. senators wrote to President Clinton, prior to his Canadian visit, urging him to ask our Prime Minister to ensure that any new bill contain habitat protection of U.S.-Canada shared species and all lands. They must be disappointed. However, perhaps we in this chamber can fix this significant hole in the legislation — and I am smiling.

The third element, habitat protection, is such an essential element of species protection that it deserves its own debate entirely. Canada's eminent ecologist, Dr. David Schindler, put it this way:

Species protection without habitat protection is nearly always a complete scientific impossibility. Suggesting otherwise is the equivalent of maintaining that the earth is flat.

For a time, the last edition of Bill C-5 had no mandatory protection of critical habitat, even on federal land. An endangered species' residence was protected, and that was all. It is rather like saying to people that they can stay in their homes, but that we will destroy their gardens, their offices, their schools, their roads and their shopping centres. The Commons committee fought hard to correct this major flaw, and we now have a bill that defends the critical habitat of species on federal land or of aquatic species. Elsewhere, it is discretionary. Is that good enough?

I have a very specific example that I should like to share with honourable senators today, and I hope to raise it with the minister and his officials when they appear before the committee. It arises in my home province of Manitoba, which is also the home province of the Leader of the Government in the Senate.

On the edge of the Ontario border is Nopiming Provincial Park, a very special area of towering pines and woodland caribou. Some 60 per cent of the park is also licensed for logging to Tembec, a multinational corporation based in Quebec. Yes, Manitoba allows companies to log our provincial parks. In May 2000, the Manitoba government's Woodland Caribou Conservation Strategy listed the Nopiming caribou herd as high risk. The main threat to its survival was described as "timber harvesting operations and increases in other activities." The Manitoba government banned all hunting and told campers they could not pitch their tents in areas where the caribou raised their young. A provincial plan recommends protecting two thirds of the caribou concentration zones in the park. However, clear-cutting, which is a clear destruction of habitat, is still allowed. In May of this year, COSEWIC again examined and listed the woodland caribou in Manitoba's boreal forest as a threatened species, meaning that it is likely to become endangered if the threatening conditions are not reversed.

Before we pass this bill, I should like the minister to clearly tell us how it will protect the Nopiming caribou. As I read it, once this bill is proclaimed, cabinet could end all hunting, which the Manitoba government has already done. Cabinet could exercise its discretionary powers to protect the caribou's residence — a pointless move. Caribou cannot survive without mature forests for habitat and mature lichens for food. To protect habitat within the park, there must be a recovery strategy to identify it and an action plan to act on that strategy. According to clause 42, the minister has two years to develop any recovery strategy. For action plans, the Commons committee wanted to give the minister another two years, but that did not happen. There is now no timeline. The minister could take five years, 10 years, or even 20 years to develop any recovery strategy. Even more critically, critical habitat protection in a provincial park is possible only by cabinet order, at cabinet's discretion. A cabinet order requires the minister's recommendation, and it expires after five years.

One saving grace in this bill is that, once critical habitat is identified, either in a recovery strategy or an action plan, the minister must publicly report every 180 days on the steps being taken to protect it. How many such reports will we read on the Nopiming caribou?

I certainly respect the government's desire, as Senator Banks has described it, to support the Canadian constitutional structure and to develop strong working relationships with the provinces. However, we need to know exactly how this bill will operate when faced with a provincial government that has a long history of habitat destruction in its park system — my own province. How will it deal with a government that is so committed to that approach that it is now proposing to extend logging roads in the region and has removed a 138 square kilometre portion of Atikaki Wilderness Park. "Atikaki," in Saulteaux-Ojibway, means "caribou country."

We need to know, because if this bill will do nothing, or if this or future governments lack the will to exercise their discretionary powers, then we would be very unwise to sanction it. It will clearly be an ineffectual act.

On compensation, in principle, Bill C-5 takes a step in the right direction. It recognizes that landowners should not bear the sole burden of the economic costs of species protection.

• (1530)

We do not know, however, what the rules will be, and we may not know before we vote on this bill. The preferable course for us, and especially for landowners, would be to see those regulations presented to our committee. I sincerely hope the minister will allow us to examine them.

In closing, I wish to remind all senators that this chamber has already spoken on some of the critical aspects of this bill. In June 1999, we adopted the report of the Subcommittee on Boreal Forest of the Standing Senate Committee on Agriculture and Forestry. In that report, we said that Canada needs strong endangered species legislation that recognizes the importance of preserving the habitat on which endangered species depend for their survival. The Senate committee recommended that the federal government "must use its existing Constitutional authority regarding," among other things, "endangered species."

I think this bill falls short of those recommendations. Thus, we have a choice — we can hear witnesses, debate sound amendments and then pass the bill without a comma changed because that is the wish of the government, the majority in this chamber. We can also look at the bill a little more critically. We all know the situation in the other place with respect to this bill. The question we have to ask ourselves is: What is the situation in the Senate? Are we about to engage in a pro forma exercise, or will we do what Canadians of goodwill expect of us?

Faced with a bill that is flawed, though not fatally, can we set aside partisanship and work together to improve it? I sincerely hope that members opposite will use the time we have on this bill to do the latter.

**Senator Banks:** Honourable senators, will the Honourable Senator Spivak answer a question?

**Senator Spivak:** Of course.

[ Senator Spivak ]

**Senator Banks:** I was glad to hear the senator refer to how well the government responded to the wishes of Parliament, how well it works and how responsive this government is to the wishes of Parliament. I was also glad to hear the honourable senator recount the fact that the government is, in fact, governing and it is the government that makes decisions with respect to matters such as the rights of provinces. I was glad to hear the honourable senator acknowledge that there are such rights. Part of the business of the Senate is to ensure that the rights of provinces are protected.

The senator asked how the government will deal with a situation in which a province is recalcitrant. It is the intent of the bill and of the government that the coercion should be by carrots rather than by sticks. However, the senator has asked how the government will deal with the situation and said that it would require a great deal of "will." My comment is that it is difficult to put will into legislation. However, I share all the other hopes expressed by the honourable senator.

Does the senator agree that it would be appropriate to get on with this matter as quickly as possible and to refer the bill to committee as quickly as possible so that it is not derailed by a prorogation of Parliament for a fourth time?

**Senator Spivak:** Honourable senators, I think the bill should be referred to committee as quickly as possible. I wonder if the senator knows something that those on this side do not know about future prorogations. How many can there be in one Parliament?

In response to the honourable senator's question concerning the provinces, environmental protection is a shared jurisdiction. It is obvious to anyone with any common sense that if the habitat in a provincial park is completely destroyed, there will no longer be any caribou. That is an urgent crisis.

It seems to me that, perhaps, this bill has hamstrung the cabinet in some ways. Hopefully, we will be able to discuss that issue in committee.

When the subcommittee examined questions concerning the boreal forest, we travelled to the northern part of Quebec, where we heard from trappers who could not speak English. They spoke to us through an interpreter and described how a logging company had clear-cut everything around their little logging cabins. Thus, they could no longer hunt because there were no wild animals. I said, "That's terrible, but why did you not move somewhere else?" They responded by saying, "We cannot because for thousands of years every bit of space has been apportioned."

I hope this issue will be discussed in committee in terms of what powers the federal government will really have under this bill to correct what I think is a perfectly terrible thing that is happening in my own province. I am not even looking at any of the other provinces.

**Senator Banks:** Will the senator agree that absent the bill becoming law there is nothing the government can do given that it has the will to do it and that we need this bill in order for there to be a hammer?



**Senator Spivak:** I do not agree with that. I would ask in reply: If the government cannot do anything in this bill, are we further ahead?

**Hon. Gerry St. Germain:** Honourable senators, I know that Senator Spivak is an avid supporter of immigration, which is an honourable direction for any country. However, any country that has exceedingly high populations has virtually destroyed its habitat.

My other point is that the policy in Canada is to encourage new people coming to this country to settle in the hinterlands. I have been an avid outdoors person and hunter most of my life. I see habitats disappearing and wildlife being put in jeopardy. It is not being put in jeopardy by hunters or native trapping but by the incursion of people. People destroy everything. What they have not destroyed remains to be seen.

I am not saying that we in any way, shape or form should become anti-immigration. Look at countries like India and China where the incursions of man have virtually destroyed every ounce of habitat that exists. How can we sit here and say that we want more people to inhabit the hinterlands while still protecting the environment?

**Senator Spivak:** Obviously, honourable senators, that is a rhetorical question. The reason is that if we do not protect the earth, we will not have an economy or a proper place in which people can live. Much of the literature points out that there is a balance to be sought between where people should live and what we should protect. It is obvious that if we do not use our common sense, we will not survive.

I do not think the honourable senator's question is a real one. Either we want to survive or we do not want to survive. Frankly, Canada is a huge country. It seems to me there is lots of room for immigration. It is also one of the last countries in the world with real wilderness, a treasure which not only is essential to our survival but which is an economic treasure. People will want to see wilderness when they no longer have it in their own countries, which is regrettable.

• (1540)

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

#### PEST CONTROL PRODUCTS BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Yves Morin** moved the second reading of Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests.

He said: Honourable senators, I have the honour of presenting Bill C-8 on pest control products. This bill is sponsored by the Minister of Health, and it replaces the act passed in 1969. This bill was passed by the House of Commons on June 13, 2002. It is the result of years of work, not only by the Pest Management Regulatory Agency, but also by groups of Canadians whose interests are divergent and sometimes even conflicting.

In Canada, about 90 per cent of all pesticides are used by the agricultural industry, to help ensure that Canadians and people around the world get food at an acceptable cost. However, a number of these products pose a rather high risk to the environment and particularly to human health. This explains the conflicts and tensions that may exist.

[English]

Regulation of pesticides in Canada is an area of shared jurisdiction. The assessment and the approval of pesticides is under federal jurisdiction, while the sale, use and disposal of pesticides is under provincial jurisdiction. The objective of Bill C-8 is to enhance health and environmental protection, make the system more transparent and strengthen the post-regulation controls of pesticides.

Bill C-8 prohibits pesticides from being imported, from being sold, and from being used, unless they have been registered by the minister. Once they are registered, their use is very carefully controlled in accordance with detailed instructions.

Under Bill C-8, registration of pesticides is the application of a science-based approach. A new product will be approved or accepted only if there is reasonable certainty that there is no harm to human health, to future generations and to the environment under the conditions under which a pesticide has been approved.

The registration must also consider possible exposure from multiple sources, such as food, water, home and school, and it must also consider exposure from pesticides that act in the same way. This is called cumulative risk.

Finally, registration must take into account the specific conditions of certain populations, such as pregnant women, children, farmers and their families.

Protection of health and the environment under Bill C-8 will also be assured by registering only pesticides that are more efficient than those already in use and by expediting evaluation of pesticides that are considered to be of lower risk.

Post-registration assessment of a pesticide will be carried out at regular intervals. This review, in addition, may be performed if there is some mention of side effects, after information is received from governments here or abroad or, finally, after requests from even a single citizen.

The enforcement of the proposed legislation will be strengthened by giving more powers to inspectors and by higher penalties, up to \$1 million in fines and up to six months of imprisonment.

Bill C-8 will make the registration of pesticides far more transparent by involving the public at all levels of decision-making, by rendering the register available for study by any Canadian citizen, and, finally, by establishing an advisory council that will assist the minister in discharging her duties under the act.

[Translation]

Honourable senators, Bill C-8 is a piece of legislation on pest control product regulation that places Canada on the cutting edge as far as health and environmental protection are concerned. At the same time, it gives Canadian agriculture the leeway it needs to fulfill its important role on the world level. This regulatory process is particularly transparent and involves Canadians at every step of decision-making. This is why I urge you, honourable senators, in the best interests of everyone, to support this bill so that it can become law as quickly as possible.

[English]

**Hon. Brenda M. Robertson:** Will the honourable senator take a question?

**Senator Morin:** With pleasure.

**Senator Robertson:** To which department does this pesticide bill report?

**Senator Morin:** It reports to the Department of Health. There is now a pesticide management regulatory agency that is an agency within the Department of Health, under the responsibility of the Minister of Health. The agency has the responsibility of assessing and regulating pesticides.

On motion of Senator Kinsella, debate adjourned.

• (1550)

[Translation]

## CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**The Hon. Mobina S. B. Jaffer** moved the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

She said: I am very pleased to have the opportunity today to rise at the second reading stage of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. This bill affords me the first opportunity to sponsor a bill in

this house, and I thank all my colleagues, Senator Fraser in particular, for their support.

[English]

The provisions in this bill were initially presented to Parliament in December 1999 as part of an omnibus bill. The provisions regarding animal cruelty and firearms were split from the rest of the omnibus bill in 2001 and are the only two subjects of this bill.

Honourable senators, allow me first to discuss the animal cruelty provisions of Bill C-10, which represent the first major reform in more than 50 years and the first reform since the animal cruelty provisions were created in 1892 to set out the offences in a comprehensive, integrated whole.

[Translation]

As you are aware, the changes proposed here are a reflection of the debate on society's use of animals. This is a debate that has gone on for decades. There are, however, some who confuse that broad debate with the goals and objectives of Bill C-10. It is extremely important to clarify this: Bill C-10 does not in any way change the status of animals before the law.

[English]

The amendments proposed in Bill C-10 have two basic objectives: first, to increase the maximum penalties available for cruelty offences; and second, to modernize the law and to rid it of its complexities and anachronisms.

I should like to take a few moments to explain the rationale for these changes. The rationale for increasing the penalties available for intentional cruelty and criminal neglect is very straightforward. The way in which society traditionally recognizes the seriousness of a particular conduct is through a specifically prescribed penalty for that conduct. Canadians have made it clear that the animal cruelty penalty provisions no longer reflect the way that society views these crimes. In addition, scientific research increasingly shows a link between animal cruelty and violence toward humans, particularly in the context of domestic violence. Scientific literature suggests an association between a pattern of cruelty to animals in childhood or adolescence and a pattern of dangerous and recurrent aggression against people at a later age.

One American study noted that "while most animal abusers will not commit sensational murders, serial killers almost invariably have histories of animal abuse earlier in their lives." Many notorious serial killers, including Alberto DeSalvo, the Boston Strangler, had a history of animal abuse that started in his youth.

The research confirms that animal cruelty is a crime of violence and illustrates why characterization of animal abuse as a property offence is misleading and inappropriate.

[Translation]

Bill C-10 significantly increases the sentence for intentional cruelty by creating a hybrid offence and by increasing the maximum sentence to five years for a criminal indictment and to 18 months for a summary conviction.

[ Senator Morin ]



This greater flexibility in sentencing allows the Crown to ask for a sentence appropriate to the circumstances and sends a message to judges, the prosecution and members of the public that acts of cruelty towards animals are acts of violence.

A strong majority of Canadians have clearly said that they want those who are guilty of cruelty to animals to be punished more severely.

[English]

Honourable senators, Bill C-10 extends from two years to life the maximum duration for an order prohibiting an offender from owning or having custody of an animal. Bill C-10 also permits the court to order that a convicted offender must repay to a person or to an organization the costs associated with caring for an animal that has been abused by the offender. This will allow humane societies to recoup some of the costs involved in treating and caring for the animal. It will also provide an additional means by which offenders may be held responsible for their actions as part of their sentence.

A second rationale for the amendments to the animal cruelty provisions in Bill C-10 is to update and modernize the law. This involves ridding the law of anachronisms that add confusion rather than clarity to the law. One example of an anachronism in the law is that distinctions are made between different types of animals. For example, one section deals only with cattle, while another section deals with dogs, birds, or animals kept for a lawful purpose. It is time to modernize and clarify the animal cruelty offences.

The second aspect of this modernization of the law is to correct a loophole. At the present time, a person who kills an animal in a brutal or savage way, but with a legitimate excuse, cannot be accused of cruelty. The only limitation is whether they cause the animal unnecessary pain, suffering or injury. Bill C-10 will create a new offence of intentionally killing an animal in a brutal or savage way, regardless of whether the animal suffers. The following are actual examples of this kind of conduct: attaching an animal to a railroad track, attaching an explosive to an animal, or putting an animal in a microwave oven.

Honourable senators, in the course of the public debate about this bill, we have all heard questions as to whether any further changes are necessary to the animal cruelty provisions of this bill. I should like to comment on these issues.

It has been the law in Canada since 1892 that no one is exempt from obeying the minimum standard imposed by the criminal law. All persons who deal with animals, whether they are pet owners, farmers, researchers or trappers, have a legal obligation to deal with animals in a humane way. Doctors and hockey players are not exempt from the law of assault. Similarly, industry and pet owners are not exempt from animal cruelty provisions.

The humane treatment of animals is not a crime. In fact, the leading case on animal cruelty recognizes that animals may be

used for purposes that cause them pain. The issue is not whether pain was caused but whether avoidable pain was caused. I believe that the vast majority of farmers, researchers and others are humane and do not violate the law.

[Translation]

I believe that it is also important to live up to the expectations of Canadians that all those who take care of animals must continue to meet minimum standards of behaviour set out in criminal law.

[English]

In fact, the Criminal Lawyers' Association testified before the House of Commons Standing Committee on Justice and Human Rights that it was the view of their members that the animal cruelty provisions did not change any of the defences available to accused persons. I hope this provides reassurance to those people who are fearful that changes to the law may mean that something is being lost.

• (1600)

Honourable senators, I would be remiss in my remarks today if I did not address two criticisms of the bill which I expect may be discussed in this chamber. Some critics of Bill C-10 suggest that unless defences are written into the offence provisions themselves, farmers, researchers and trappers will be dragged into court by animal rights activists. I note three things in this regard. First, as I mentioned earlier, humane practices are not an offence. Second, recent amendments to the Criminal Code will offer strong protections against private individuals using the courts for non-judicial purposes. Third, even though not required as a matter of law, an amendment was made to the bill by the committee in the other place to clarify that any and all common-law defences apply specifically to proceedings regarding animal cruelty.

A second criticism discussed in the other place is that the law needs to reflect the fact that animals may be used for lawful purposes. I am not sure that that suggestion is terribly helpful, because the courts are very clear about this concept.

[Translation]

Honourable senators may be interested to learn that my husband and I used to be poultry farmers. In fact, my father owned a large poultry farm. As a result, I am familiar with the practices involved in farm operations.

I know that people who make their living through animals may fear that the new provisions will threaten their activities or may expose them to new types of legal proceedings. I hope that the discussions that will take place in the weeks to come, in this chamber and in the standing committee, will help dispel some of these fears.

That said, I would like to comment on the second part of the bill, the amendments to the Firearms Act.

In 1995, Parliament adopted Bill C-68, thereby creating a broad program to ensure safety with respect to firearms. We are now proposing amendments that will allow for the streamlining of the administration of the firearms program.

These proposed changes are in response to extensive consultations with program partners and stakeholders, including the policing community and gun owners. The bill will improve efficiency in the administration of the program without affecting the provisions of the program dealing with safety.

It is a win-win proposition. Gun owners get the changes they asked for, and the Canadian public gets a program that is less expensive to administer, while not overlooking the public safety considerations that are important to Canadians.

[English]

These administrative changes simplify processes and requirements. As an example, pre-processing of visitors bringing guns into Canada will also make processing at the border more efficient. The bill will improve the day-to-day administration of the firearms program by ensuring more direct accountability. This will be achieved by consolidating operational authority for the program under a Canadian firearms commissioner who will report directly to the Minister of Justice.

Statistics tell the story of why it was necessary to establish more safety standards for firearm use. Each year in this country, there are on average more than 1,000 firearm-related deaths, and a greater number of Canadians are hospitalized each year because of firearm-related injuries. Furthermore, among industrialized countries, Canada has the fifth highest firearm death rate for children under 15.

[Translation]

The overall homicide rate in Canada is at its lowest level since 1967. We know that firearms homicides rank first. Everyone here today — in fact, everyone in Canada — wants real action to be taken to reduce the criminal use of firearms.

The Canadian firearms program is another means to keep firearms out of the hands of those who should not own firearms. Let us examine the rates of domestic homicides across the country. When I was the president of the YWCA, much of my work focussed on eliminating violence against women and family violence. I hope that all honourable senators support this bill. We know that female domestic homicide victims are primarily shot with firearms. From 1979 to 1998, 40 per cent of these were firearms homicide victims.

A vast majority of domestic homicides are committed with rifles and shotguns. Statistics for 1998 show that in 63 per cent of firearms domestic homicides committed in Canada, the weapon used was a rifle or a shotgun. Another 21 per cent of these victims were shot with a sawed off rifle or shotgun.

This is why any practical approach to domestic violence must include proactive action regarding shotguns and rifles.

[English]

Honourable senators, let me give you a brief update on licensing. The implementation on the firearms program is wrapping up, that is, the licensing of firearms owners and the

registration of their firearms. Licensing and registration of firearms help to keep firearms from those who should not have them and encourage safe and responsible gun use.

The law requires that all firearm owners have a firearms licence. While the vast majority of firearm owners are safe and responsible, all applicants for firearm licences are screened to ensure that there is no risk to public safety. Owners are also subject to continuous screening after they receive their licence. This helps to keep firearms from those who pose a risk to themselves or others.

[Translation]

Since December 1, 1998, more than 7,000 permits have been either denied or revoked by public security authorities. This figure is 50 times the total number that were revoked in the last five years of the previous firearm control system.

As I already mentioned, there is a key component in the issuance of permits that helps reduce the number of domestic homicides involving the use of a firearm. Indeed, the act provides that, before issuing a permit, the current or previous spouses of the applicant must be informed, that is those who are living or who have lived with the applicant in the previous two years.

Moreover, spouses and members of the applicant's family, as well as other people concerned, can contact the Canadian Firearms Centre to voice their concerns. To this day, 26,000 calls have been made to report offences or express concerns regarding the owner or potential owner of a firearm.

• (1610)

[English]

Canadians continue to show overwhelming support for the firearms program. Seventy-six per cent favour a national firearm registry, according to a recent poll. The law enforcement community also remains steadfast in its support of this program because of its essential crime-fighting tools.

Although the firearms program is still being implemented, it is a national investment in public safety that is already paying safety dividends. The amendments to the Firearms Act included in Bill C-10 will help to ensure that the key public safety goals of the Firearms Act are met while ensuring that the administration of the program is more efficient, effective and client friendly.

Ten, twenty or thirty years from now, when we look back on the inauguration of this important program, we will all take pride that Canada was a world leader in this essential public safety field.

**Hon. David Tkachuk:** Honourable senators, I have a series of questions. I am somewhat confused. Does the concept of an animal capable of feeling pain include fish?

[ Senator Jaffer ]



**Senator Jaffer:** Honourable senators, because this is the first time the honourable senator has asked me a question, I am not sure if he is pulling my leg or if he is serious.

The definition of "animal" is set out in the bill. I am sure the honourable senator is very capable of deciphering for himself what it means. According to the language of the bill:

"animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

**Senator Tkachuk:** That includes fish.

**Senator Jaffer:** It does.

**Senator Tkachuk:** Who will decide what is avoidable pain?

**Senator Jaffer:** As the honourable senator very well knows, the way our process works is that if there is a question of cruelty to animals, that question is first submitted to the police and then the prosecutor who then decide whether to pursue the issue. Ultimately, the courts of our country decide.

**Senator Tkachuk:** I will not pursue this subject. I am sure the committee will get into the question of a person fishing, being reported, and then having to prove in court that the animal did not suffer avoidable pain.

I wish to obtain the views of the honourable senator on this subject, as she is the sponsor of this bill. I was intrigued by the honourable senator's reference to serial killers. Is it the position of the government that passing this bill will prevent serial killers from becoming serial killers? In my opinion, if someone grows up to be a serial killer, he or she may beat up on a few cats and dogs as practice along the way. I do not see this as a way to prevent a serial killer from developing into one. Is it the government's position that they will use the fact that some person or some kid is cruel to an animal as a way to predict future serial killers?

**Senator Jaffer:** Honourable senators, the minister will speak before the committee, and that is the best time for Senator Tkachuk to ask that question.

**Senator Tkachuk:** Senator Jaffer is the one giving the speech, honourable senators. That is a question she should have asked the minister, since she has the speech in front of her. For example, "What does this mean? Is this your position?" Since she was the one to say it, she must know what it means. I want it explained, as I do not understand the reference.

**Senator Jaffer:** With the greatest of respect, honourable senators, if Senator Tkachuk had asked for my position I would have stated my position. However, he asked for the position of the government, and I felt that the best person to answer that question would be the minister and not myself.

**Some Hon. Senators:** Hear, hear!

**Senator Tkachuk:** Let me rephrase the question. What is the honourable senator's position on that subject?

**Senator Jaffer:** My position is that children learn violence from many sources. If they start learning violence by abusing animals, that is a first step. It has been made clear in many polls that Canadians do not want children to learn violence at any stage. It

is my position that animal cruelty is one way that children learn how to commit violence, and it is up to us as a society to protect animals.

**Some Hon. Senators:** Hear, hear!

**Senator Tkachuk:** The honourable senator mentioned in her reference to the Firearms Act that Canada had the fifth highest rate of firearms death in children. How many children die from firearm accidents and how many die from murder?

**Senator Cools:** By mothers.

**Senator Jaffer:** I would ask the honourable senator to clarify what he means by "accident" and by "murder." I do not follow his question.

**Senator Tkachuk:** The honourable senator stated that we have the fifth highest fatality rate of children by firearms. I wish to know how many of them are deaths caused by someone else pulling the trigger on purpose to kill a child and how many are caused by accidents, such as two children playing or self-inflicted wounds.

**Senator Jaffer:** I wish to inform the senator that I do not have the answer. I will attempt to get the answer. However, I am sure that the honourable senator, who is very conversant with the committee process, will raise the question with the appropriate witnesses.

**Hon. Gerry St. Germain:** In the ranching and farming community, roping and branding animals have been part of the tradition of this country since the time of our original settlers. There has been a huge hue and cry by people who claim they are animal lovers or activists. Why are we not responding to the radical behaviour of these groups, some of which will never be satisfied? Some have gone so far as to declare themselves vegetarians because they feel that anything done to an animal contravenes the civility of dealing with animals. How are we to deal with these groups? The organizers of the Calgary Stampede have already faced challenges from these groups, and I think the government is exacerbating a situation that is part of the history of this country, at least for those of us in the West.

• (1620)

**Senator Jaffer:** Honourable senator, I hear two questions. First, what standards are presently in place and, second, how will we ensure that farmers are not penalized for their present practices?

I would point out that the bill specifically gives a definition of the word, "negligently." For the purposes of this bill, "negligently" means "departing markedly from the standard of care that a reasonable person would use." I would respectfully suggest to the honourable senator that the people who prosecute would have to show that the actions departed markedly from that standard of care.

As for the second question, with the greatest of respect, many situations are being discussed around the country as to the treatment of animals. What the honourable senator set out is not covered in the bill. The bill is very clear about humane practices being carried out. What the honourable senator speaks about is outside of this proposed legislation.

**Hon. Joan Fraser:** Honourable senators, first, I would thank Senator Jaffer for giving an enormous portion of her speech in French. That is an inspiration.

**Some Hon. Senators:** Hear, hear!

**Senator Fraser:** I was particularly struck by Senator Jaffer's interesting statement that her family were poultry farmers. I do not know how many other lawyers in this chamber whose families were poultry farmers. Does the honourable senator think that there is anything in this bill that would have impeded her family's ability to carry on that business?

**Senator Jaffer:** I would thank Senator Fraser for her kind remarks. I would just say that I am still working on my French. If I made any mistakes in pronunciation, I hope you will all be patient with me.

As for being a poultry farmer's daughter, my husband and family are some of the larger poultry farmers in the lower Fraser Valley. I can tell you in all confidence and honesty today that there is nothing in this bill that would impede the work that my family does in farming.

**Hon. Anne C. Cools:** Honourable senators, I may be wrong, but I believe I heard Senator Jaffer say that statistics indicate that 63 per cent of domestic homicides are committed with firearms.

**Senator Jaffer:** I did not hear the honourable senator's question. Would she please repeat it?

**Senator Cools:** Certainly. I thought I heard the honourable senator say, but I am not certain as I am quite some distance away, that 63 per cent of domestic homicides were committed with firearms.

**Senator Jaffer:** Honourable senators, I am not sure if that is what I said. With His honour's permission, I would suggest that I answer the question after Senator Stratton has spoken.

**Senator Cools:** His Honour does not have the authority to waive the rules in that manner. I am putting a question to the honourable senator right now. However, if she does not want to answer, I understand.

**Senator Jaffer:** It is not that I do not want to answer; I wish to check my notes.

**Senator Cools:** I appreciate that. The honourable senator wants to be accurate.

In the honourable senator's speech she spoke about women, domestic violence and domestic homicide rates. My question is about the rates of domestic homicides. How do rates of domestic homicide by firearms compare to rates of domestic homicide by stabbing, by blunt instruments and by bare hands?

**Senator Jaffer:** That is a significant question. As the honourable senator and I are both members of the Standing Senate

Committee on Legal and Constitutional Affairs, I would suggest that she put that question to our witnesses, as they will be better able to respond.

**Senator Cools:** I appreciate that the honourable senator is aware that we sit on the same committee. However, I was seeking a response for the benefit of this chamber. To me, a response to a question in a Senate committee is not a substitute for a response to a question in this chamber.

I want it to be clear because so much of this government's policy on firearms was supposed to have been driven by the whole notion of violence against women. I am prepared to say, quite strongly, that it is a falsely framed issue and that violence against women has never been a true factor in firearms questions. If any honourable senator were to look at the data on homicides, he or she would quickly see that the numbers for killings for example, by methods of strangulation by bare hands are greater. More people are killed by bare hands and by knives than by firearms. I am always curious to note that this government singles out firearms rather than, for example, knives. For that matter, thousands of people are killed in this country by cars on a daily basis. I have never heard any preoccupation with that.

On the question of domestic homicide, this is an important question and we should know the answer.

**Senator Jaffer:** I have now found my answer with respect to the figure of 63 per cent. Senator Tkachuk has refreshed my memory. I said that 63 per cent of family violence was perpetrated with the use of long guns.

**Senator Cools:** I am right. That is what I did hear, namely, 63 per cent involved long guns. Where did that number come from? What is the absolute number? Does that 63 per cent comprise 10 people or 20 people? From where does the number come and what is the absolute number? What does it represent?

**Senator Jaffer:** In order to make myself clear, honourable senators, of the deaths by guns, 63 per cent are by long guns. That is what my statistics indicate.

**Senator Cools:** Is the source of those statistics Statistics Canada? The honourable senator has merely repeated the number she gave us before.

**Senator Jaffer:** I believe that number comes from Statistics Canada, but I will confirm that and let the honourable senator know.

**Hon. Willie Adams:** Honourable senators, I wish to ask a question. How will hunters and the killing of animals be part of Bill C-10? Those hunters are shooting animals. I know that they sometimes do have shooting accidents, but has nothing to do with cruelty to animals.

• (1630)

**Senator Jaffer:** I may not have understood the honourable senator. Is he asking where there is cruelty to animals when there is hunting by guns? I may have not understood the question.



**Senator Adams:** The honourable senator has put down the percentage of people killed in hunting accidents. What has that to do with cruelty to animals? Earlier she mentioned people killed in hunting accidents. Maybe a gun went off and the bullet hit someone, but what has that to do with Bill C-10?

**Senator Jaffer:** Honourable senators, the bill that I am sponsoring has two parts. One part is with respect to cruelty to animals, and the other part is with respect to firearms. There are two separate parts to this bill, and perhaps that is where the confusion lies.

**Senator Adams:** Why do we have to amend the act in Bill C-10? Is it because the original Bill C-68 does not work?

**Senator Jaffer:** Honourable senators, it has been a few years since the Firearms Act was passed. This bill modernizes the description of firearms, providing that there is no forfeiture of goods and providing that an authorization licence or registration certificate for firearms be reworked or amended. It makes it easier, as I stated in my speech, for people to be processed. That is what this bill is doing.

**Senator Adams:** The honourable senator mentioned trapping. Bill C-10 does not mention anything about trapping. It just mentions cruelty to animals. We have people who have to live and feed their families. They have been affected for so many years. I believe 20 years ago Green Peace stopped everyone from hunting and trapping and so forth. You mentioned trapping earlier as well. What has that to do with cruelty to animals?

**Senator Jaffer:** Honourable senators, I may be mistaken, but I do not remember saying a great deal about trapping. However, I did say that this bill does not outlaw humane practices. The practices that have gone on so far will continue. This bill will cover only something beyond what is reasonable practice.

**Hon. Terry Stratton:** Honourable senators, as a result of this bill, I believe the stampedes of the country will be in trouble in the future, for example, the Calgary Stampede, the Morris Stampede and the Swan River Stampede. I can just see it happening now with the passage of this bill.

Honourable senators, I am pleased to rise to speak to Bill C-10, which amends the Criminal Code to deal with cruelty to animals and the Firearms Act. As stated earlier, this bill is part of the original Bill C-15, which was an omnibus bill that included provisions to deal with sexual exploitation of children. The bill was divided in two and became Bills C-15A and C-15B. Bill C-15B died on the Order Paper on prorogation. It is now back before us today as Bill C-10.

This bill aims to prevent cruelty to animals, and the debate has been contentious, as has been seen today. Let me give you the perspective of those in the area of wildlife. I have here a letter sent by Dick Reeves, Executive Director of the Wildlife Information Network of Manitoba. I should like to quote what he says about Bill C-15B, now Bill C-10, because it is the essence of the concerns of some of those on the other side of this bill:

We applaud the federal government's concern regarding animal welfare and encourage reasonable and responsible efforts to deal effectively with animal welfare issues. However, without more precise wording to protect animal use industries such as farming, hunting, fishing, trapping,

and medical research, C-15B is creating an environment ripe for hundreds of potential legal prosecutions and challenges by animal-rights groups and organizations down the road. Unfortunately, Bill C-15B is neither reasonable nor responsible in its approach to this issue.

That is the other side. I do not see where that has been proven to be untrue today.

He goes on to say the following:

At a minimum, the legislation needs to be re-worked to ensure that, in no uncertain terms, traditional and lawful uses of wildlife that are set out under provincial wildlife legislation and angling laws shall not come to be viewed as cruel and inhumane treatment of animals. Further, the legislation should not create the opportunity for lawsuits from animal rights extremist organizations bent on winning through the courts changes in animal use practices that they cannot find support for in the court of public opinion.

That passage states the issue clearly.

Bill C-10 also deals with amendments to the Firearms Act and the Criminal Code. Honourable senators, these amendments have been described as being merely technical amendments. The bill will create the position of Commissioner of Firearms. I wonder who and what level will get that job. That individual will hold office at the pleasure of the government, and cabinet will determine the salary. I will guarantee you it is at least \$150,000 a year.

The commissioner will be in charge of the whole application of the Firearms Act, but his duties will be delegated by the Minister of Justice. In other words, the commissioner will be just a toady. He will do exactly as the Minister of Justice says.

However, clause 52 of the bill amends section 97 of the Firearms Act to authorize the Governor in Council, the Justice Minister or the provincial minister to exempt employees of some businesses from certain provisions of the Firearms Act for up to one year. The minister could also exempt any non-resident from application of the act.

This new power could be used when an American police officer, such as a sky marshal, is travelling on a commercial flight and finds himself temporarily in Canada. The bill does not provide for the minister or Governor in Council to name these exemptions, and there are no provisions for the government to report on how many exemptions have been granted over a period of time.

The part that I find abhorrent is that the cost of the firearms registry has been climbing since its inception in 1996. The registration costs were originally projected to be \$85 million for the period 1996-2003. Registration fees were to recover the cost of implementing the system so that the total cost to the taxpayer was \$5 million. That was the projected cost given to us by Minister Rock in committee. He said to us that it would be no more than that.

**Senator Oliver:** Is it more than that now?

**Senator Stratton:** In November 2001, Treasury Board official Richard Neville told the Senate Committee on National Finance that the costs are now eight times the minister's original projection of \$85 million, now reaching almost \$700 million and projected to go close to \$1 billion. That is absolutely reprehensible. That is immoral, if nothing else.

Most of the new technical amendments will be contained in regulations that Parliament has yet to see. Canadians do not know if the new technical amendments to the Firearms Act as a result of this bill and the subsequent regulations will reduce or, at least, contain the climbing costs and administration problems of the firearm registry.

• (1640)

How can you proceed to make technical changes when you do not have your costs under control? The government has no more credibility with this bill than it had with Bill C-68, because it has not demonstrated to us at any time or in any place that the costs will not increase. You cannot tell us the costs will not increase. They will increase, and the honourable senator knows that.

Honourable senators will study this bill in committee and, no doubt, questions will arise. I will be delighted to have the minister appear before the committee.

**Senator St. Germain:** Honourable senators, Senator Jaffer made an excellent presentation while trying to defend the indefensible. It was impossible. They sent her on a "mission impossible," and they sent her without helicopters or tanks. Senator Jaffer is a victim. The government should be ashamed of themselves for doing that to a great woman from British Columbia. Have you no pride, no shame?

Is the honourable senator aware that the costs will escalate from over \$700 million to \$1 billion?

Honourable senators, I applied for a PAL, a possession and acquisition licence that allows a person to hold an unrestricted firearm, as well as a restricted firearm. I would just state that I have never owned a restricted firearm, but I wanted to apply for the best licence available to me. However I have received a letter from the firearms organization in New Brunswick stating that they wanted to revoke my licence. When I contacted that organization by phone, I was put on hold and told that the normal waiting time for someone to respond to my call was 64 minutes. Honourable senators that is the situation with a government expenditure of \$700 million plus. You have to wait for 64 minutes before someone will answer the phone after you make contact with them by dialing about 10,000 little numbers on the dial pad. Is the honourable senator aware of that? That fact should certainly be on the record.

Passage of this bill will have an impact upon many of us, although not so much on myself in light of the fact that I am a Metis who I no longer lives off the land. However, many Metis do live off the land, as did their ancestors.

As an aside, I have heard that they are attacking the Metis again on CBC tonight.

Is the honourable senator aware of the waiting period I have described and the inefficiency that has been bred into that organization?

**Senator Stratton:** Honourable senators, that is just another example of the classic inefficiency of the system. No, I was not aware of that. I find it incredible that a caller is put on hold for 64 minutes.

I will relate a tale. I applied for a Possession Only Licence. It took 10 months to get it. I sent my application in and they returned it stating that I have omitted to enclose the cheque. When I sent the cheque in, there was another excuse. I went through this process six or eight times before I received my Possession Only Licence. It took 10 months. I was in a bit of a panic because my deadline was approaching. This is just another classic example — and there are thousands of them out there — of the inefficiencies of the system. I hope that answers the question.

**Hon. Serge Joyal:** Honourable senators, I did not intend to rise today to speak to Bill C-10. However, considering that the Senate will likely refer the bill to the Standing Senate Committee on Legal and Constitutional Affairs, I believe it is appropriate to share with you some concerns I have with that bill.

I will limit my comments to the first part of the bill which deals with cruelty to animals.

During our recess, I tried to understand what we were being asked to do regarding this bill. I will start by expressing my concerns over the issue of the definitions contained in the bill. As was raised by Senator Tkachuk, the definitions contained in a bill are always very important. That is particularly so in this instance because one must bear in mind that the Criminal Code contains no definition of the word, "animal."

This bill does define what is considered to be an animal. As Senator Jaffer has said, an animal is a vertebrate. If I remember from my zoology classes when I was in college, a vertebrate is essentially an animal with a nervous system. I see Senator Keon. He will understand the subtlety of what "a nervous system," means.

The question that this raised in my mind was: How do other systems that are comparable with our common law system define the term "animals"? I found out that the Protection of Animals Act in the U.K. has defined an animal to be any domestic or captive animal. Then they define what is a domestic or captive animal.

If you reflect for a moment on what that means, you will no doubt conclude that a domestic or captive animal, is an animal that is under the control of a human being. This bill does not specify that. This bill states that animal means a vertebrate — living on its own. This is consistent with another provision of the bill that amends the Criminal Code to remove animals from the status of property in the code.



The Criminal Code deals with two classifications of offences: crimes against a person and crimes against property. Animals are classified as property. With passage of this bill we will create another class that is not human and that is no longer property, it is animal. That classification will stand on its own. That is why the definition of animal in this bill is a vertebrate, in other words, something living that is not human and not a static good.

The problem is that we are proposing to do with the passage of this bill something that is not unique but quite special. We are amending the Criminal Code in such a way that we are creating a new class of objects of offence. In other words, if you now do something, as the honourable senator has said, negligently harmful to an animal, you may be charged with a certain offence, and that offence carries a penalty of incarceration of from six months to five years.

What are the offences in the Criminal Code that are the object of a five-year maximum sentence?

• (1650)

I have looked in the code and I cite an example; causing fire through negligence. That is a very serious offence. Assault on a person is susceptible to a five-year sentence. Our Criminal Code must be coherent.

What is the most serious offence against a person and what is the maximum sentence? What is the maximum sentence for an offence of damage to property? All the minor offences are a gradation under the maximum.

What we are doing here is creating a new class in the Criminal Code, and we are establishing a five-year penalty as a maximum. We must look at the two other categories. To receive the maximum sentence for a crime against property or a crime against a person, what act must we commit? The philosophy of sentencing in the code must be coherent, so much so that the Minister of Justice said last month in the *Ottawa Citizen* that he intended to launch a major overhaul of the Criminal Code. Among the issues that he wanted to review in the overhauling of the code is irrational penalties. Why? Because through the years, this Parliament, the Senate and the other place, has changed the Criminal Code. We have increased some sentences, redefined crimes and created new crimes. We have to look at the impact of all those changes and ask ourselves if our sentencing system is coherent?

Honourable senators know very well that some Canadians think that a seven-year prison sentence for the possession of marijuana is outrageous and should be revised. A Senate committee reviewed that issue and came forward with a proposal that seems to be more in reality with today's situation. Sentencing is a major element of the Criminal Code that needs to be revised.

When I look at the sentencing provisions of animal cruelty legislation in New Zealand, Australia and the U.K., none of those countries have adopted five years as a maximum sentence for animal cruelty offences.

Logic is key to a system like ours, a common law system. How do we define the principles of sentencing so that we maintain coherence in the Criminal Code? We do not want to create a more serious sentence for one type of deed and a less serious sentence for something that is even more serious than this offence. Logic must play a role here.

According to the Minister of Justice and Don Stewart, Professor of Criminal Law at Queen's University who recently published an article on this subject, this is a very serious issue. I understand that there is a lobby to protect animals. I think that the minister in the other place was quite candid when he said that this bill is the result of a strong lobby. We know that it is an effective lobby. It is very vocal and very visible. It is in the newspapers almost daily. I think it is our responsibility as legislators to be very consequential when we amend the Criminal Code.

Senator Milne and the Standing Senate Committee on Legal and Constitutional Affairs have questioned the sentencing aspect and suggested that it be revised at a point in time in our work and that we should try to re-establish the equilibrium within the Criminal Code.

Honourable senators, I am not against this bill, but I want to share with you that it does much more than just increase the maximum sentence. It changes something fundamental in the Criminal Code. This is an important aspect for our Aboriginal colleagues because there have been practices on the farm or in the forest with respect to animals that we have known about for a long time. This country was settled and colonized by European people who hunted. That is what drew Europeans to Canada. This is an important part of our tradition, our way of doing things. It is important that at the committee level we have ample opportunity to revise those points. I think they are very serious, and I wish to commend Senator Jaffer for bringing this to our attention today.

Honourable senators, even though there is a desire to pass Bill C-10 quickly, we must be sure of what we are doing and the implications that this bill may have on our legal system.

**Senator Cools:** Honourable senators, Senator Joyal has raised very interesting points, and I would like to take the opportunity to look at this bill. I move adjournment of the debate.

**Hon. John G. Bryden:** Would Senator Joyal accept a question?

**Senator Joyal:** Yes.

**Senator Kinsella:** A motion to adjourn debate has been made.

**Senator Cools:** I had risen to move the adjournment. After I said that, Her Honour then rose and called upon Senator Bryden. I am quite prepared to defer to Senator Bryden.

**Senator Bryden:** I understand that we have created a new area, neither property, nor human. It is vertebrate — in between. The honourable senator is concerned that the maximum penalty for cruelty to a vertebrate would be a maximum of five years, which applies to some rather significant offences within the Criminal Code.

The honourable senator indicated that for the negligent burning of a building, the penalty could be five years. Could someone get five years for theft of one million dollars? As regards cruelty to a vertebrate, there may very well be times in which a five-year sentence would be appropriate. If someone keeps a vertebrate alive for days and weeks for the sole purpose of slowly peeling the hide off that animal while it is still alive, I do not see why that person would not warrant a five-year penalty as compared to someone who steals money or property in excess of whatever the number is. We have created a new category, but to use the amount of the penalty as a reason of concern is an issue. I would ask the honourable senator to comment.

In Britain, the definition of "animal" in the Animal Rights Act is an animal that is captive or under the control of a human. I wonder if that is for the sole purpose of protecting the foxhunt.

• (1700)

**Senator Joyal:** To the second question, the honourable senator has the answer. The United Kingdom is sensitive to the regulation of traditional hunting these days. It is well known in this chamber that there is a great concern among the British people about fox hunting and that the Parliament of Great Britain has been called upon to legislate on this matter. The issue will certainly not die with this bill.

On the first question of the honourable senator, my concern is that the maximum penalty will now be five years, whereas in most common-law countries the maximum is two to three years. I can understand that we might want to stiffen penalties. Perhaps in the last five or ten years there has been a significant increase in animal cruelty, I do not know. We will hear from the minister and officers of the department and other witnesses. Perhaps this has become an endemic problem within Canada and we have suddenly discovered it and want it immediately stopped. I do not know if that is the case. Sometimes a situation will arise about which we are not aware and then we will share the information.

The penalty increase is so important in comparison to what it was before that there must be extraordinary reasons. Again, compared to other countries with a common-law tradition, none seem to have set five years as the maximum penalty. That is my first preoccupation.

My second preoccupation is that if we are to determine the maximum penalty, it must be coherent in the system. As the honourable senator knows, there are principles in law that determine the definition of sentencing. Those principles do not seem to be obvious from a reading of the bill as it stands now. That is why I have raised those concerns.

[Translation]

**The Hon. the Speaker pro tempore:** Honourable senators, I regret to inform you that, pursuant to rule 37, the Honourable Senator Joyal's time is up. Does Senator Joyal wish to ask for more time?

[ Senator Bryden ]

**Senator Joyal:** Yes.

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

[English]

**Senator Cools:** I have a question.

**The Hon. the Speaker pro tempore:** Senator Joyal, are you asking for leave to continue?

**Senator Joyal:** I would ask leave to respond to questions.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, as I often have to do, even though this is not something I particularly enjoy, I am prepared to give Senator Joyal the time necessary to conclude his reply to the last question put to him.

[English]

**The Speaker pro tempore:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Joyal:** I wish to thank honourable senators for their indulgence.

Since we are creating a sentence that is very serious in comparison with what it was before, I should like to use this opportunity at the Standing Senate Committee on Legal and Constitutional Affairs to share with the Minister of Justice and the officers of the department those principles that define sentencing. The Minister of Justice, in his own remarks at the end of September, pinpointed that sentencing is a major problem with the present Criminal Code.

I believe that the members of the Legal and Constitutional Affairs Committee, such as the Honourable Senator Milne, almost came to the conclusion in the previous session that we need a special study of the elements of our Criminal Code. We were overburdened with work so we did not do that. However, the problem remains present in our minds, especially with a bill that creates something totally new in terms of category and increased sentences.

**Senator Cools:** The honourable senator has put an interesting phenomenon before the chamber, and I believe it should be explored.

**The Hon. the Speaker pro tempore:** Is leave granted?

[Translation]

**Senator Robichaud:** Honourable senators, we have reached an impasse. I agree to give my consent for two questions, namely those of the Honourable Senator Cools and of the Honourable Senator St. Germain.



[English]

**Senator Cools:** My question is in respect of the new category that is being created in the Criminal Code. The two categories are crimes against property and crimes against the person. All things human are not persons. Unborn babies, for example, are not persons.

I summoned a copy of the Criminal Code to look at the crime of infanticide, which as senators know is a woman's crime. A man cannot be charged with infanticide. It is a crime that traditionally carries small penalties when such a charge is laid and prosecuted. Section 233 of the Criminal Code gives us the definition of infanticide. It tells us clearly that:

A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child...

I refer honourable senators to section 237, which is the penalty section. I believe Senator Joyal is quite right in his reasoning about this sentencing phenomenon. The punishment for infanticide is laid out in section 237, which states:

Every female person who commits infanticide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Therefore, Senator Joyal is telling us that somehow or other animals are acquiring a status higher than babies. That is quite interesting to me. We will have to examine this matter.

Since we have a new category of creature, which is not a person or property, this new thing, are the unborn animals now?

**Senator Joyal:** Honourable senators, I will not dare to provide the honourable senator with a possible answer because it is a most delicate issue. At this stage of our debate, which is second reading, I believe it is appropriate to raise the concerns I have. Honourable senators will realize how serious those concerns are. I thank the honourable senator for identifying the penalty for infanticide as being a five-year maximum sentence because it demonstrates the seriousness of imposing a maximum sentence for animal cruelty.

I thank the honourable senator for her question because the issue she raises will certainly be discussed with the officers of the Department of Justice.

**Senator St. Germain:** Senator Joyal is concerned about defining the sentencing, which is a concern. The big concern out there, however, is how to define "cruelty." It is such a subjective matter.

I listened carefully to what Senator Joyal said because it was well said. He said that lobby groups like animal rights groups are driving this agenda. They are forcing the government to do something, not because there is an indication of a greater amount of cruelty to animals, but because these groups appear to have become better funded and more vociferous.

• (1710)

This subjective aspect of what is cruelty is, to me, a greater concern than the sentence. A sentence of a year or six months is devastating to a farmer, a rancher, an Aboriginal, a hunter or whoever it might be. The honourable senator's profession and his work with the Criminal Code possibly dictate in his mind that the

question of time is important. However, some of us live in the practical world of cattle ranching, hunting and trapping.

The honourable senator has presented this new dimension with regard to the Criminal Code, and we have crimes against the person or property. Does the honourable senator not think that this becomes the real complexity of how you define "cruelty" in dealing with these vertebrates?

**Senator Joyal:** I will try to respond quickly, as I know the deputy leader has other pressing items on the agenda.

The honourable senator raises two elements: One is the definition of cruelty, and the other is the matter of "willingly." It must be a conscious act of the person. Let us talk about cruelty.

My parents did not have the opportunity to have a pig farm, but my father was involved in the grocery business. When I was a child, he took me to a farm where they were slaughtering pigs. The pigs were knocked on the head, and then taken to a hook and suspended. The pig was then opened and prepared for blood letting. The blood must be warm to prepare certain kinds of product. Sometimes, the pig recovered because he was not hit strongly enough. Where is cruelty and wilfully there? This is a clear case where it is not easy to define or draw the line.

In all fairness, and I do not wish to scare honourable senators with the farming issues of this bill, this is an important issue in Bill C-10. We must understand exactly what we mean by "cruelty" when added to "wilfully."

As Senator Jaffer has said, this departs from the traditional practice and how it has evolved through the years. We must hear witnesses. Humbly, I am not an expert. I am simply trying to understand the legislation referred to us.

The concern of the honourable senator is that there might be a vocal lobby that fights to obtain stiffer penalties for animal cruelty. The farmers are well represented in our country, and they would be welcome to come before the committee to express their concerns, as would any other group in Western Canada, in order that we might understand all of the implications of this legislation.

It does seem to be well intentioned. We must commend the minister and the honourable senator for this legislation, but there are real implications for Canadians who are involved in farming, recreation, as well as in the protection of animals, which is a sound and honest objective to pursue in a society that behaves in a civilized manner.

On motion of Senator Cools, debate adjourned.

## COMMITTEE OF SELECTION

### THIRD REPORT OF COMMITTEE ADOPTED

On the Order:

The Senate proceeded to consideration of the third report of the Senate Committee of Selection, presented in the Senate earlier this day.

**Hon. Bill Rompkey:** Honourable senators, I move the adoption of this report standing in my name.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, earlier today I withheld agreement because I was not expecting a full report to be tabled at 2 p.m.

I understand the explanations provided by my former House of Commons colleague, Senator Rompkey, to the effect that there could not be meeting before 1:30 p.m. and that no contact was possible.

However, I would not like to hold up the discussions that are currently underway, given your desire to set up the parliamentary committees as soon as possible.

Senator St. Germain and I have held consultations. We have some concerns on the way we are being made use of in this era of reform. Paul Martin referred yesterday to a major parliamentary reform, and here we are in the Senate settling for a pure and simple yes without commenting on the formation of certain committees.

Having consulted Senator Stratton, I felt I ought not to unduly delay what could be accomplished tomorrow. As I have been appointed to the Standing Committee on Banking and Commerce, you can well imagine the revolution that is in the offing.

[*English*]

What a revolution has come, with Marcel Prud'homme on the Banking Committee. I do not want to make Senator Kolber cry. He came to me and said, "Why do you not give your consent today?" I do not want to irritate someone who may be my future chairman. I am a reformist and have always been a reformist. I do not know if he is to be the chairman, but I would imagine that he has already been chosen as chairman of the Banking Committee. It would be starting my relationship on that committee for the few days or weeks or months or years that I may be stuck there, having to relearn a completely new field of activity. It is very dangerous. I hear that many people are interested in that debate.

Honourable senators are aware that I am now coming soon to my fortieth year in Parliament. I came to federal politics, not provincial politics, where I was supposed to go. In 1960, I was a Liberal candidate in Montreal-Laurier. At the request of Mr. Jean Lesage, I gave my seat to Mr. René Lévesque. My first approach to politics was to go provincial, but my inclination or study was federal politics. Why? To me, the federal system, can should never shy away. I have no notes, and that is why I did not want to speak today. I never shy away from saying to anyone, "If you want to come into federal politics, you must have international preoccupations. You need international preoccupation, international comprehension and international sensitivities."

• (1720)

I was good enough for Pierre Elliott Trudeau to be protected by him in the House of Commons where I was elected not only Chairman of the Foreign Affairs Committee but Chairman of the National Defence Committee — for over 10 years!

From the day I arrived at university, I was involved in foreign affairs. I was involved in the Vietnam question. There was a book printed in the United States which stated that I was used by Mr. Trudeau to change the law in Canada. That is another debate.

I was involved in the Czechoslovak revolution by helping people come to Canada. I burned in effigy Orville Faubus of Arkansas for his anti-Black policies. That was while I was attending the University of Ottawa.

My international preoccupation has always been there. I dare say here — and I regret to have to say it — that I am deprived from better serving my country by being a member of the Standing Senate Committee on Foreign Affairs. I was told in no uncertain terms why. It is because there is a veto by some lobby that I should not be on the Foreign Affairs Committee. I will not stand forever and ever. I know some senator will say, "Well, it is going to be the same thing, and then he will go away. He will bark but not bite. He is a nice boy." I am part of a club. This is the best club in the world. Here, we can choose from among the best to give the best of what we can to bring a little bit of sanity into foreign affairs.

It is with sadness that I see how uninterested the Foreign Affairs Committee is at the moment by not seeing fit to even have a briefing on what is going on in the world. I am not asking for a briefing on Africa, even though it is very important. Africa cannot put the world in danger at the moment. I am not asking for a briefing on Latin America, even though it is very important for the French Canadians of Quebec.

This Foreign Affairs Committee is probably the only one in the Western world that saw fit not to have any opinion, any meeting, any briefing or any session on what may be a world war. Honourable senators should not think that I will shy away from speaking up and trying to offer a little bit of my expertise and knowledge. I do so in order that these young people who are pages today may not be sent to fight for us, the old people, because we have lacked openness in regard to what is going on in the world of today.

My first choice has always been foreign affairs. I always say that I am in federal politics because I have international preoccupations and international sensitivities to understand.

I am not a one-question man — Middle East, Middle East, Middle East. There are other great questions. Surely that is an important issue, but no one wants to attack or touch it.

Honourable senators, most of you are new to this place. I did not want to speak about that today because one of the senators I could name happened to go through a difficult time today. Because of that, I will abstain from giving his name.



In 1982, 1983 and 1984, there was a debate here in the Senate on the Middle East. Read the report. See what happened to all the senators who were members of that committee at that time. They were accused! How dare we accuse Senator Hicks from Nova Scotia of being an anti-Semite! He raised money for Jewish causes in Canada. How dare we accuse Senator Van Roggen. He was a fine gentleman and chairman of the Senate Foreign Affairs Committee. There are only two witnesses left — one is Senator Murray who, hopefully, will participate eventually in the debate. Just because I happen to have opinions that may not be welcome in some circles, in particular financial or fundraising circles, I am deprived from giving expertise on the only thing I know — world affairs!

I will tell honourable senators one thing about the recent trip to Lebanon. Do you think I need a two-day trip after having had difficulties with my heart? Do you think I need a trip of two days? I can afford to go. I can pay to go. I do not need to be nominated. I can go wherever I want — and I will. I do not need to be appointed by whips or otherwise. I could have been helpful. I know every single member there in Lebanon. Do honourable senators not think that this is something I could have offered my Prime Minister? I know not only political leaders but every single religious leader in Lebanon. I know all of them and I have visited them. Do honourable senators think this man does not have anything to offer to Canada?

Why is there this secret cabal? No one would dare stand up here in the Senate and give the real truth as to why I cannot better serve my country by being nominated a member of a committee on which I think I have something to offer. That is okay. My name has been put on the membership list of the Banking Committee. I will have to adjust. I do not know what I will do. I will go to school. I will learn. There are very interesting characters on that committee. Who knows, they do not know what is coming to hound them. I may not share all their opinions on the very interesting topics they will face. Do not take that as a joke. Who knows, I may need some expertise.

[Translation]

I could ask the former member for Gouin, Yves Michaud, to be my assistant when the committee examines the banking issue. Incidentally, I am kidding. I think the way the members of the committee were appointed is unfortunate. I did not choose them. I see Senator Andreychuk near me. I notice that she is not on the list for the Human Rights Committee, and yet, she has done excellent work on this committee. This may have been her choice.

We are here to talk a bit about reform. Perhaps some day we could have more say in how committee members are appointed.

Her Honour has always been recognized as a progressive woman in Quebec. She may quietly believe that the time has come for committee members to choose their own chair and vice-chair. There may be recommendations. What is with this story of secret cabal and scheming? I prefer things to be out in the open, even if it means receiving hundreds of insulting letters.

So, I am happy to go even further, thanks to the sound advice of senior Senate officials like Mr. O'Brien, Mr. Armitage, and Mr. Bélisle, by raising a debate on this issue. For this reason, after consideration and in response to the requests of Senators

Rompkey and Robichaud as well as amicable consultations with Senator Stratton, I would not oppose that they organize themselves today. There are other ways to fight this.

[English]

**Hon. Gerry St. Germain:** Honourable senators, like Senator Prud'homme, I, too, am somewhat concerned about the process that is being utilized. As the honourable senator mentioned, so many people are speaking out about parliamentary reform and members of Parliament in the House of Commons being more significant and not being so-called nobodies when they are 50 yards off the Hill or even when they are on the Hill. I believe the object of the work we do as senators is not to be obstacles in the way of progress.

• (1730)

When honourable senators are asked to become a committee member, they are given a choice of Committee "A" and Committee "B" and that is it. That is not really a choice. One is told where to go. Generally, one is placed in a situation where possibly people do not want to sit on a particular committee.

I appreciate the fact that there has been a change and that an attempt has been made to accommodate those of us who sit as independents. However, I think a little more fairness has to be brought into the process with the utilization of expertise, as Senator Prud'homme pointed out. When we look through this place, we see that there is much talent and knowledge and many skills that can be applied in the proper places. What danger would this man be if he sat on the Foreign Affairs Committee? He has one vote as an independent. He has no ability to overturn a government decision.

I think I can speak for my colleague on my left when I say that if some semblance of fairness is not brought into the system, we will do everything we can under the rules and regulations to make this place a little fairer.

It is possibly not unfairness that is driving the agenda. I believe the agenda is being driven by the PMO, as Paul Martin said. It is perhaps time we changed things a little. We may have to force such change by utilizing the rules and regulations of the Senate.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Could I ask Senator St. Germain a question?

**Senator St. Germain:** Yes.

**Senator Kinsella:** Rule 85 provides for changes of members on committees to be made according to a certain procedure. It provides that changes can be made:

- (a) with respect to Government members, by the Leader of the Government in the Senate or any Senator named by that leader; and
- (b) with respect to Opposition members, by the Leader of the Opposition in the Senate or any Senator named by that leader.

Honourable senators, if a change were to be made affecting the honourable senator, what is his understanding, as an independent senator, as to who would have the authority to make that change?

**Senator St. Germain:** Honourable senators, in the case of independents, I think such a change should be a decision of both the government and the opposition, until another process is established. I believe it is the government side that decided in the final stages of the last session that independents would be allowed to sit on committees. If it is the government that has made that decision — and I compliment them for it — then under the present rules and regulations, until the rules are changed possibly to mirror more what happens in the House of Commons, the decision would have to rest with the government.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I am glad the Leader of the Government has come into the chamber.

All senators are named to committees on the recommendation of the Committee of Selection, with approval of the full chamber. There are provisions for government members and opposition members to be replaced by their own whips or leader, or whomever the leader designates. In the case of an independent senator, because he or she is named on recommendation of the Committee of Selection, I would advance a notion that only the Committee of Selection can recommend a substitution or replacement to the full chamber.

**Senator St. Germain:** I would have no objection to that because the government holds the majority on the Selection Committee. I would presume that it would revert indirectly back to the government to make the decision.

**Senator Kinsella:** If that is the situation, because the rules are silent on that point, is there a danger that an independent senator would be under any pressure or intimidation to not argue a point of view because the fear would be that the majority would simply come in and move a recommendation from the Selection Committee to remove that independent senator from the given committee? Would the honourable senator have that fear?

**Senator St. Germain:** Perhaps I am fearless, but I am not fearful of that because I do not think we are that significant in the overall picture of things. We sit as independents; everything we do is individual. I reflect more of what the official opposition thinks than I do what the Liberal side thinks, but I would not be fearful of being under Senators Rompkey, Robichaud or Carstairs. I would think that the degree of fairness would be proportionate to the degree of the importance of my role as an independent senator.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not have the advantage of having participated in the whole debate, but I did hear Senator Lynch-Staunton's reply or intervention, whatever it might have been. I think it would be appropriate to put some remarks on the record.

I am delighted that there are independent senators who have given us their choices and will now serve as full members, as in the last session of Parliament. I think there are some extraordinary circumstances, however, which we may not like to contemplate necessarily. For example, if an independent senator were appointed to a committee and died in office, causing a vacancy on that committee, or if an independent senator indicated to me, to Senator Lynch-Staunton or to the chamber as a whole that he

or she no longer wanted to serve on that committee, then it would seem to me appropriate to fill that position. However, like Senator Lynch-Staunton, I think the only way that that position could be filled, having now been granted to an independent senator, would be to call a meeting of the Selection Committee and have it determine and report a decision to this chamber.

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

• (1740)

## COPYRIGHT ACT

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Joseph A. Day** moved the second reading of Bill C-11, to amend the Copyright Act.

He said: Honourable senators, I am pleased to speak at second reading of Bill C-11, to amend the Copyright Act. This proposed legislation deals with the interrelationship between the Broadcast Act, as administered by the Canadian Radio and Television Telecommunications Commission, CRTC, and the Copyright Act. The bill also deals with the issue of the Internet and with the issue of the compulsory licence provisions under the Copyright Act.

In the Speech from the Throne, the government committed to revise Canadian copyright rules to ensure that Canada has a progressive regime that supports increased investment in knowledge and cultural works. This proposed legislation is consistent with that commitment, but it is only one small step in what I anticipate will be significant amendments to the copyright legislation to deal with current activities. We heard the Honourable Senator LaPierre talk about raspberries, blueberries and different types of organizational devices. The digital revolution is upon us and it is important that the legislation reflects those changes.

[Translation]

Modern copyright legislation is essential to the survival of Canadian authors and artists, as well as of the cultural industries in which they operate. The Minister of Canadian Heritage has said repeatedly that we need more Canadian voices to tell more Canadian stories.

[English]

However, our creators and our cultural industries must be able to operate within a marketplace that is based on clear and predictable rules. Intellectual property is important to the broadcasting industry, as it is in other areas of cultural pursuit.



It is doubly important if we are to foster innovation and success by Canadians in the new economy. The government's approach to copyright is a measured one that takes into account both the right of creators to know that their efforts will be rewarded and Canadians' need to have access to a variety of Canadian content in a variety of formats. I repeat: Canadians need to have access to a variety of Canadian content in a variety of formats.

Honourable senators will recall the discussion we had before prorogation in relation to the concentration and convergence of media. I am hopeful that one of the standing Senate committees will deal with that important issue.

The government's recognition of the crucial importance of copyright is reflected in the copyright reform process that was launched in June 2001. The report, entitled "Supporting Culture and Innovation: Report on the Provisions and Operations of the Copyright Act," was tabled in this chamber on October 3 and extends an invitation to Parliament to participate in the review process in respect of copyright.

[Translation]

This process recognized that one of the priorities to be addressed was a provision of the existing legislation that did not keep pace with today's rapid technological changes.

[English]

Honourable senators, compulsory licence provisions, which appear in section 31 of the Copyright Act, permit cable companies, direct-to-home satellite companies and others to retransmit over-the-air-television — television and radio signals in the air-waves — to their subscribers. Under this compulsory licence, retransmission may take place without obtaining the direct approval of the owners of copyright — the right holders — as long as the transmitters pay a royalty, which is fixed by the copyright board, and comply with other statutory conditions.

The original intent was a good public policy to ensure that all Canadians, no matter where they live, would continue to have access to a broad range of over-the-air television and radio signals, while also ensuring that rights holders would be treated in a fair and equitable manner. That provision came about in 1989.

Honourable senators, in one sense that is not long ago but, technologically speaking, it was another era — the pre-Internet era. Retransmission in that era ended in 1999, after just 10 short years, when a Toronto company began sending Canadian and American television signals over the Internet. That company claimed that it too had the benefit and could apply for a compulsory licence and, therefore, did not require the permission of the copyright holders in what they were retransmitting over the Internet. Rights holders disagreed and the ensuing litigation was suspended only when the company agreed to terminate its service.

Subsequently, a Montreal-based company announced its intention to begin transmitting television signals over the Internet. Its request to the Copyright Board for an Internet specific royalty tariff was withdrawn only last year when this proposed legislation was presented in the other place.

The claim that the compulsory licence under the Copyright Act covers Internet-based retransmission is a matter of great concern for the rights of copyright holders. Of particular concern is the global reach of the Internet and the World Wide Web. Unrestricted retransmission of programming over the Internet would undermine the territory-specific arrangements that come with a compulsory licence. This could badly impair the ability of Canadian film and television producers to fully take advantage of their negotiated rights in foreign markets. However, the government heard from other quarters that the licence must remain applicable and adaptable to technological change. We must deal with the Internet.

The government recognizes that confusion surrounding the scope of the application of the compulsory licence was not desirable and that section 31 of the Copyright Act needed to be clarified. A thorough consultation paper and process ensued to fully explore these issues and to provide all Canadians with an opportunity to make their views known. There were over 40 submissions and the views were considered. Bill C-11 is largely a reflection of those points of view.

[Translation]

At the hearings of the House of Commons Standing Committee on Canadian Heritage, copyright holders expressed concerns about this bill not being clear enough.

[English]

Amendments were raised in the other place to clarify that this proposed legislation ensured that Internet-based retransmitters, which operated under the CRTC's specific non-media exemption order, could not benefit from the compulsory licence — section 31 of the Copyright Act. On the other hand, systems such as cable distributors and systems comparable to cable systems, such as direct-to-home satellite transmissions, would continue to benefit from the compulsory licence. In addition, parliamentarians in the other place wanted to ensure that no retransmitter would be able to reap the benefits from the transmission of other people's programs by inserting their own advertising, such as the banner ads that we see on the Internet alongside the program. Thus, they strengthened the language in the bill to ensure that the signal would be retransmitted without alteration. This, of course, does not preclude technological changes, such as digitizing the work, and it does not mean it will not be transmitted along with a third party's advertising.

Honourable senators, with these amendments, Bill C-11 received all-party support in the House of Commons. Furthermore, the government has asked the CRTC to seek comments from the public and to report in respect of the broadcasting regulatory framework for persons who retransmit, via the Internet, the signals of over-the-air television and radio programming.

Indeed, as the Internet evolves, it may be appropriate for the CRTC to revisit its 1999 decision to not regulate the Internet. If and when the Internet is used for the purpose of broadcasting, it must be subjected to conditions that will help to further Canadian public policy objectives.

• (1750)

[Translation]

This bill ensures the transparency and predictability of the retransmission marketplace. It removes the uncertainty that plagued rights holders and retransmitters over the past three years. It maintains and strengthens the protection afforded rights holders, protections which would be undermined without the legislation.

[English]

The bill maintains and strengthens the protection afforded rights holders, protection that without this legislation would be at risk of being undermined. I expect that honourable senators will agree to refer this bill to the Standing Senate Committee on Social Affairs, Science and Technology for detailed consideration. I urge your support at this time at second reading.

**Hon. Donald H. Oliver:** Honourable senators, I commend Senator Day on the excellence of his exposition. There was one aspect of this bill that he did not deal with, and that is the regulations that will play an important part once the bill is passed.

Too often we are faced with what we have begun to call framework legislation — that is, legislation that sets out, in a general way, its intent, but the real meat of the legislation will appear in the form of regulations. While we have a joint committee for the scrutiny of regulations and statutory instruments, it does its work very effectively after the regulations have been made and only deals with their legality, not whether they are the most appropriate responses to the issues at hand.

Regulations are the method by which governments can avoid parliamentary scrutiny of their legislative schemes. We have before us a very important bill that deals with the protection of copyright when broadcast signals are retransmitted through new types of distribution centres, including the Internet. However, as

is often the case now, the real conditions under which copyright will be protected will be spelled out in the regulations.

I urge senators to consider how important it will be for the communications industry and Canadian consumers to have the regulations made under this bill placed before the Senate or the House of Commons for review before the regulations have the force of law. We, as parliamentarians, must reassert our place in the legislative process. We should not allow government to bypass scrutiny through the use of regulation-making power. We in the Senate should adopt a regular practice of putting forward amendments to all framework bills that come before us, which would include a meaningful role for the Senate in the regulation-making process.

**Senator Day:** Does the honourable senator wish me to reply to that statement? Is that a question or a comment? If it is a comment, I agree.

On motion of Senator Kinsella, for Senator Rivest, debate adjourned.

[Translation]

## BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with the unanimous consent of the Senate, all items on the Order Paper that have not been reached could stand until the next sitting of the Senate, and we could move on to the adjournment.

**The Honourable the Speaker *pro tempore*:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

The Senate adjourned until Wednesday, October 23, at 1:30 p.m.



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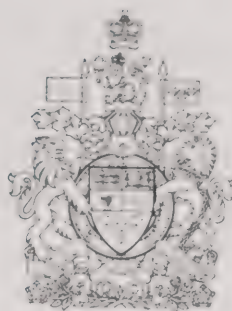






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(HANSARD)

Wednesday, October 23, 2002

THE HONOURABLE LUCIE PÉPIN  
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, October 23, 2002

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE BRENDA M. ROBERTSON

NEW BRUNSWICK—ANNIVERSARY OF BEING  
FIRST WOMAN ELECTED TO LEGISLATURE

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):**

Honourable senators, there are special occasions when we rise to salute one of our colleagues, and I am delighted to have the opportunity to bring to your attention a very special thirty-fifth anniversary today.

Thirty-five years ago, history was made in the Legislative Assembly of my Province of New Brunswick when our colleague, the Honourable Senator Robertson, was the first woman elected to that house. Subsequently, as honourable senators will recall, our distinguished colleague became the Minister of Health for the Province of New Brunswick. Senator Robertson brought that experience to this chamber and will demonstrate it once again in an important committee report that will soon be tabled in this place. The Senate has been the repository of this pioneer woman's experience, and I am certain that all honourable senators will join me in recognizing Senator Robertson's accomplishments.

**Hon. Senators:** Hear, hear!

#### WOMEN'S HISTORY MONTH

**Hon. Shirley Maheu:** Honourable senators, October is Women's History Month, which is drawing to an end. I should like to take this opportunity to reflect upon the battles and challenges that women have faced in the past and continue to face today, as well as their multiple accomplishments.

[Translation]

Canadian women have seen their situation, their civil and political rights in particular, evolve over the years. Obtaining the right to vote, entering the work force during the two world wars, the Universal Declaration of Human Rights, and the women's liberation movement, are only some of the milestones along the way.

Quite recently, Canada ratified the optional protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women. Canadian women have had to fight to get where they are today, and will have to continue to rise to such challenges as the difficulty in balancing work and family responsibilities, the wage differential between women and men, and getting more women into non-traditional trades.

[English]

This year, the theme for Women's History Month is: Women and Sports — Champions Forever! Although women have not always been encouraged to participate in sports, today more and more girls and women actively participate, compete and succeed in sports. We only need to think back to the 2002 Winter Olympics when our Canadian women's hockey team brought home the gold medal and to the 1992 Summer Olympics when Canadian rower Silken Laumann showed everyone how focused and determined she was by winning a bronze medal a few months after a tragic accident almost ended her career. These are role models that girls and women need in the sports arena. We also need to encourage all women to become more involved in sports so that they are able to maintain good physical fitness and overall health.

Finally, I should like to take this opportunity to pay tribute to one of our Senate pages, Megan Reid. This year, Megan was awarded the youth medal at the presentation of the Governor General's Awards in Commemoration of the Persons Case. Megan has been involved in many women's issues, from promoting positive body image in young girls to volunteering her time and raising funds for breast cancer. I believe this young woman deserves our accolades and our recognition.

**Hon. Senators:** Hear, hear!

#### WORLD SUMMIT OF NOBEL PEACE LAUREATES

**Hon. Douglas Roche:** Honourable senators, I would bring to your attention a remarkable meeting that was held last weekend in Rome and which I was privileged to attend. It was the World Summit of Nobel Peace Laureates. Some one-half dozen Nobel Laureates and representatives of many other organizations, which over the years have won the Nobel Peace Prize, were in attendance.

The meeting was under the direction of President Gorbachev, former President of the Soviet Union, who won the Nobel Peace Prize in 1990 and who now heads the Gorbachev Foundation. Mr. Gorbachev excoriated governments for pleading that they do not have enough money to cure poverty, while at the same time spending enormous sums on arms. He especially criticized the development of nuclear weapons. This will go on, he said, until and unless the world community is energized to stop it. Certainly, he said, new weapons are not needed to fight terrorism.

The statement that was issued at the end of the weekend conference stated that, among other things, nuclear weapons are immoral and every use of them is illegal. The statement concluded that a culture of peace must overcome today's culture of war. There were strong recommendations to resolve the present Iraq-U.S. crisis by resorting to United Nations Security Council resolutions and not unilateral action. Security Council resolutions must be fully adhered to, the statement said, and the rights of the Iraqi people respected. The struggle against terrorism must not become a pretext for unjust constraints on human rights.

Honourable senators, the full report of this remarkable, and one might even say astounding, meeting of world leaders can be found on my Web site at [sen.parl.gc.ca/droche](http://sen.parl.gc.ca/droche).

• (1340)

### SMALL BUSINESS PORTFOLIO

**Hon. Donald H. Oliver:** Honourable senators, the engine for economic growth in Canada is small business. It is small business that can be relied upon to employ women and men who are needed to serve the needs of Canadians. The Progressive Conservative cabinet of former Prime Minister Brian Mulroney recognized the need for special recognition for this part of the economic sector through the appointment of a cabinet minister responsible for small business. This minister gave voice to the unique concerns of small business at the cabinet table. The concerns of small business were not lost in government. They had a home in their own ministry with their own spokesperson.

Recently, the Canadian Imperial Bank of Commerce has urged the government to return to the cabinet model that saw a minister for small business. It is the bank's contention that such a minister could address key issues faced by small business, such as the shortage of skilled workers, taxation problems and succession planning.

As most small businesses are family owned and operated, these issues loom large when trying to serve the public and register sufficient profits to generate growth in the business. The minister of small business would send a signal to the business world that this government is hearing their concerns and responding in a positive fashion. I urge honourable senators to call upon this government to reinstate this important ministry for small business.

**H. MARTIN KENNEY, O.B.C.**

### TRIBUTE

**Hon. Tommy Banks:** Honourable senators, I rise to take note of a very happy occasion in which I invite you to join me in sending congratulations to a distinguished Canadian.

In the big band era of the late 1920s, 1930s and 1940s, there were two Canadians who attained not merely national but international success. One was Guy Lombardo who, sadly, has left us, but the other is still with us. His name is Mart Kenney. Mart Kenny and his Western Gentlemen became one of the most successful dance bands during that era. Mr. Kenny is now 92 years old and still going 200 miles an hour. He is still playing gigs, which makes all of us in the music business very happy. He has been an inspiration to everyone in the music industry in Canada. Last September 19, he was inducted into the Order of British Columbia as one of that province's most distinguished citizens. I know that all senators will join me in congratulating him on that signal honour.

[ Senator Roche ]

### CANADIAN BROADCASTING CORPORATION

#### CLOSED CAPTIONING

**Hon. Jean-Robert Gauthier:** Honourable senators, I bear good news. CBC commits to 100 per cent captioning of the English television on CBC Newsworld. This is good news for deaf and hard of hearing Canadians who must rely on captioning to understand through reading what they cannot hear and comprehend.

Mind you, Mr. Henry Vlug, a hard of hearing person, filed a complaint with the Canadian Human Rights Commission in 1997 against the CBC English network and CBC Newsworld because they did not provide him with captioning of their television programming. A tribunal under the Canadian Human Rights Act heard the case, and a settlement was reached last Thursday, October 17.

CBC, as Canada's national public broadcaster, is to be commended for this decision. We were told, in a news release, that by November 1 of this year all programming by CBC television and CBC Newsworld would be regularly captioned, including live-breaking news, promos and commercials produced by the CBC.

The Canadian Radio-television and Telecommunications Commission, CRTC, had ruled in 1995 that large stations, such as CBC, CTV and others, were to caption all news by September 1, 1998. They did not. That ruling was made some seven years ago. One learns to be patient when one is handicapped.

The same policy does not apply, by the way, to the French network. I, and many other French-speaking Canadians who have a hearing impairment, would be very happy if it did. Equal access in both official languages in this country is part of the law of the land, after all.

Is it possible to hope that all other major broadcasters in this country, such as CTV, Global, TVA and other major broadcasters, will follow the example set by the CBC and offer their viewers, who may be deaf or hard of hearing, the possibility of accessing closed captioning of their programming? The technology exists. The Second Audio Programming option, or SAP, is in all of our TV sets. It is an electronic chip in the TV set. You program it, and you get SAP. Canadians need to be better informed about this option. This would meet the fundamental requirements for receiving closed captions. Hard of hearing and deaf people have as much right to access the TV programs as do other Canadians, coast to coast.

There are many things to be done in the field of captioning. It is time for other national services, such as airlines and other transportation facilities, to adopt subtitling of their advertisements or security measures so that travelling Canadians who are deaf can read what they do not hear and, therefore, be safer and more comfortable in travelling on public transit.



## FISHERIES AND OCEANS

COAST GUARD—WITHDRAWAL OF  
SEARCH AND RESCUE SERVICES

**Hon. Pat Carney:** Honourable senators, recently, I called the attention of this chamber to the erosion of Canadian Coast Guard services in search and rescue and security on the West Coast. I called for a public inquiry into the proposed cancellation of maritime and aviation aids. At that time, I pointed out that some of the problems we face on the West Coast are the possible further de-staffing of light stations; the removal of foghorns from many mid and north coast light stations; confusion over the role of Coast Guard divers when five British Columbians died following the capsizing of their fishing vessel, the *Cape Rouge II*; federal cutbacks to Coast Guard voluntary auxiliary units already suffering from insufficient funding for the purchase of rescue equipment; and the decision by NAV CANADA to reduce aviation weather reports provided by staffed light stations to local aviators flying the B.C. coast.

The Union of Canadian Transportation Employees is echoing this call for an inquiry into the cuts to the Coast Guard. They have brought to the public's attention that, in the Maritimes region, the following facilities and services have been slashed: The Saint John Coast Guard base is to close; the Mulgrave Emergency Services Centre is closed and the staff relocated; the Coast Guard base in Dartmouth is to close. Over 75 vessels have been removed from service.

**Senator Forrestall:** Shameful!

**Senator Carney:** Vital essential services, such as navigational aids and programs, are to be contracted out to the lowest bidder. Helicopter services are to be removed from Yarmouth and Saint John bases. Coast patrols and security are not funded, leaving our shores open to smuggling of illegal immigrants, drugs and other alien forces.

Fishery patrols are at an all-time low. The safety of the public is being compromised by the lack of funding. There are not enough search and rescue specialists aboard Coast Guard vessels, which compromises safety.

I bring this matter to the attention of honourable senators because, clearly, there is a need for an inquiry into the services of the Coast Guard. Canadians need them on our coasts. The Coast Guard is a highly respected agency and service. Those of us who live in coastal communities, who work and play on the coast, require our safety to be maintained by the Coast Guard.

## QUESTION OF PRIVILEGE

## NOTICE

**The Hon. the Speaker pro tempore:** Honourable senators, earlier today the clerk received a notice of question of privilege by the Honourable Senator Murray, P.C. I will now recognize Senator Murray for the purpose of giving oral notice of his question of privilege.

**Hon. Lowell Murray:** Honourable senators, I hereby give oral notice of the question of privilege of which I gave written notice three hours or so ago, copies of which I believe have been circulated to all senators.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw to your attention the presence, in the gallery, of a delegation of senators from Czechoslovakia. On behalf of all the senators, welcome to the Senate of Canada.

• (1350)

[English]

## ROUTINE PROCEEDINGS

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

## REPORT PURSUANT TO RULE 104 TABLED

**Hon. Michael Kirby:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

## LOUIS RIEL BILL

## FIRST READING

**Hon. Thelma J. Chalifoux:** Honourable senators, I have the honour to present Bill S-9, to honour Louis Riel and the Metis People.

Bill read first time.

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Chalifoux, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CANADA-FRANCE  
INTER-PARLIAMENTARY ASSOCIATIONDELEGATION TO MISSION ON FRENCH PRESIDENTIAL  
ELECTION, APRIL 29-MAY 6, 2002—REPORT TABLED

**Hon. Lise Bacon:** Honourable senators, I have the honour to table, in both official languages, the report on the mission by a Canadian delegation of the Canada-France Inter-Parliamentary Association on the French presidential election, in Paris, from April 29 to May 6, 2002.

[English]

## CANADA-CHINA LEGISLATIVE ASSEMBLY

FIFTH BILATERAL MEETING, MAY 2002—  
REPORT TABLED

**Hon. Jack Austin:** Honourable senators, I have the honour to table, in both official languages, the seventh report of the Canada-China Legislative Association regarding the fifth bilateral meeting held in Shanghai, Chengdu, Lhasa, Xi'an, Dunhuang and Beijing, in May 2002.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO ENGAGE SERVICES

**Hon. Michael Kirby:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Michael Kirby:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

## BANKING, TRADE AND COMMERCE

NOTICE OF MOTION AUTHORIZE COMMITTEE TO  
STUDY THE ADMINISTRATION AND OPERATION OF  
THE BANKRUPTCY AND INSOLVENCY ACT AND THE  
COMPANIES' CREDITORS ARRANGEMENT ACT

**Hon. E. Leo Kolber:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That in accordance with the provisions contained in section 216 of the Bankruptcy and Insolvency Act and in section 22 of the Companies' Creditors Arrangement Act, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on the administration and operation of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act; and

That the Committee submit its final report no later than June 19, 2003.

## QUESTION PERIOD

### THE ENVIRONMENT

#### RATIFICATION OF KYOTO PROTOCOL

**Hon. John Buchanan:** Honourable senators, this is more of a follow-up to an important question that Honourable Senator St. Germain asked yesterday pertaining to the Kyoto accord, with reference to the fact that the accord may be very damaging in Western Canada.

I have probably not been the environmentalist that many people in this chamber may be today. During my 13-year period as the premier of the greatest province in Canada, I signed three successful agreements with the governors of the New England states on the reduction of SO<sub>2</sub> and NO<sub>x</sub>. Since coming here, under the tutelage of Senator Spivak I have become more of an environmentalist than before.

There is a concern about the Kyoto accord in Atlantic Canada. As I said once before here, senators from Newfoundland and Nova Scotia should be concerned about the possible consequences of the Kyoto accord.

Interestingly enough, last week the *Halifax Chronicle-Herald* reported that Newfoundland could suffer more economically than any other province in Canada after ratification of the Kyoto accord if it is not implemented in a way that would not injure small provinces like Newfoundland and Nova Scotia. Implementation is therefore extremely important. As Senator Graham knows, Nova Scotia generates over 70 per cent of our electricity from coal. With the export of natural gas from Nova Scotia, there should be a plan of credits going to us. So far, no one has mentioned any kind of a credit.

Having said that, honourable senators, I will read something to you. It says, "Federal studies suggest that Canada's major energy-producing provinces — Alberta, Nova Scotia and Newfoundland — would suffer significant economic damage under the terms of the accord unless we know what the plan of implementation will be." As I mentioned, the recent study by Environment Canada indicated that Newfoundland would suffer more than any of the other provinces.

Knowing that there will be a meeting of provincial ministers to discuss this issue and bring it back to their premiers, I should like to ask the Leader of the Government in the Senate a question.

• (1400)

I hope I am right in having said that. I would not want to put words in the minister's mouth. I would never do that. Of course, I learned, long ago, never to ask the question unless you know the answer, and I do know the answer. There will be a meeting.



Having asked that and having answered myself, I just want to know, as a follow up, whether the Prime Minister will convene a meeting of the premiers and himself to familiarize them fully with the consequences of the Kyoto accord and the plan of implementation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I would thank Senator Buchanan for his question. He took the long way to arrive at the final question, and I have to take an equally long way to get to my reply.

He indicated that Nova Scotia was the greatest province in Canada, and I must say that it is, indeed, one the greatest provinces in Canada, as are the other nine and the three territories that make up our great country.

As to the very serious nature of his question, as the honourable senator knows, there will be a meeting of the ministers on Kyoto, and that meeting will take place next Monday in Halifax, Nova Scotia. Prior to that, the plan will be released. I believe we can expect that shortly after today. That will outline the way in which the Government of Canada believes it can achieve the targets it has set, and the fact that the pain will be shared not only with the oil producing provinces, but also with other industries and the consumers of this great country.

**Senator Buchanan:** I would thank the Leader of the Government in the Senate for that response. However, it is important to note what has been written recently about the problems the industry is encountering by not having seen an implementation plan of the Kyoto accord. That very much applies to Newfoundland and Nova Scotia. For instance, the EnCana CEO, Gwyn Morgan, said recently in Halifax that the proposed Deep Panuke project off Nova Scotia cannot withstand higher cost structures. He also said that it is very difficult for industries such as EnCana to decide what to do without knowing the exact terms of ratification of the implementation of the Kyoto accord.

As you know, at present, Nova Scotia is sending approximately 500 million cubic feet of natural gas into the New England states, and that will escalate to about a billion, in a few years, with the Deep Panuke project. It is important for a province like Nova Scotia to secure the future for those and other projects. That also applies to Newfoundland, which has been shipping oil into the United States and where companies have clearly indicated that, although they are not yet putting everything on hold, they may have to put future exploration on hold. In fact, Premier John Hamm of Nova Scotia made the comment that, without knowing the full ramifications of the Kyoto accord, it is like buying a house without looking at it. It is very important.

The Honourable Gordon Balser, the Minister of Energy in Nova Scotia has indicated that there is a lot of concern over comments made to his department by industry, about the possibility of putting these projects on hold. As the Leader of the Government in the Senate knows, being a native of Nova Scotia and loving all the provinces — and her dear father is a good personal friend of mine —

**Senator Carney:** Is this a question?

**Senator Buchanan:** I was just about to say, as the Leader of the Government in the Senate knows, a week after I was elected premier of Nova Scotia, I had lunch with her father.

My question is: Will the leader please inform the Prime Minister of the great concern of Nova Scotians and Newfoundlanders about the ratification of the Kyoto accord without them being given details of the full consequences of it and of the implementation plan?

**Senator Carstairs:** Honourable senators, I would assure the honourable senator that my father always spoke with great fondness of him.

As to the Kyoto accord, the industrial sector has been working with departmental officials, literally, on a daily basis for some months now. We have heard many doom and gloom scenarios. They remind me of the scenarios we used to hear of what would befall the entire country if we removed lead from gasoline. We did that, and no doom and gloom scenarios befell us. In fact, we now have cleaner air as a result of that.

The government is meeting with ministers next week. I understand the Minister of the Environment and the Minister of Natural Resources will be in attendance, as well as all of their provincial counterparts. Whether a meeting of first ministers will take place is a decision that has not been made. The decision at the present time is to continue the negotiations. The one-week delay is to ensure that the most accurate information is available and on the table for that Monday meeting.

**Senator Buchanan:** I have a further supplementary question. It is extremely important that the ministers meet, but I think it is probably more important that, after that meeting, when they have had an opportunity to digest what the Prime Minister of Canada has indicated, the Prime Minister call a federal-provincial conference. Having sat around the table with him years ago, I know that he is a person who has great respect for the provinces and for federal-provincial conferences. I believe that he will do the right thing and hold that conference. Does the minister share my belief?

**Senator Carstairs:** Honourable senators, quite frankly, I hope there is such a wonderful accommodation in next Monday's meeting that there will be no necessity for a first ministers' meeting. Following that meeting, there will be another meeting, and that is now being scheduled. The point is that the governments of the provinces are being engaged on this issue as are all aspects of the private sector which would be impacted by this accord. That is because, I believe, the signature of Canada on the Kyoto accord will have not only an impact for Canada, but it will also have a major impact throughout the world.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, I would like to pursue this line of thought. The Leader of the Government in the Senate seems to be saying that we do not yet know what will happen because the premiers and the Prime Minister of Canada are holding talks. I have nothing against discussions between governments, but in the case of the Kyoto Protocol — and this is the point stressed by Senator Buchanan — Parliament should be involved and there should be a public first ministers' meeting.

The issue must be debated across Canada on television. This is important, because the issue of Kyoto is very complex. People read the newspapers but do not know what to think. Some scientists support ratifying the protocol, while others are against it. Some business people such as Senator Taylor are saying that this will bring prosperity to Alberta, while Albertans think the opposite. This is a very controversial issue. The general public does not know what we are talking about. It is important to have a public meeting of first ministers — as was the case regarding constitutional issues — and to allow the public to follow the proceedings so that everyone can understand what this is all about. This problem does not only affect Canadians, but people around the world. Is this not a valid argument in terms of Canadian democracy?

• (1410)

[English]

**Senator Carstairs:** Honourable senators, the honourable senator seems to have more faith in the public's ability to watch and analyze what occurs at first ministers' meetings than I do. A much better way to attract the attention of Canadians would be to have a lively debate in this chamber and in the other place. I anticipate that will happen before Christmas, because it is anticipated that we will move to ratification before the Christmas break.

Having said that, clearly these ministerial meetings are important. They will, it is hoped, bring the partners together to do what is in the best interest of this country.

#### NATIONAL DEFENCE

##### UNITS ON STANDBY FOR DEPLOYMENT TO KUWAIT OR TURKEY

**Hon. J. Michael Forrestall:** Honourable senators, I appreciated very much the responses of the Leader of the Government in the Senate yesterday to some questions she had taken as notice. They were responses to question numbers 19 and 20 that I have on the Order Paper. I am curious as to whether I will get the other 18 shortly, and I will leave the minister to wonder about that.

We know that the Middle East is not really the Prime Minister's forté. However, is the minister able to confirm for us whether any Canadian army unit, or otherwise, has been placed on standby or issued a warning order that deployment may be forthcoming to Kuwait or Turkey and, if so, for which units?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to the best of my knowledge, no one has been put on standby or been given a warning order for relocation to Kuwait or Turkey.

##### TROOPS ON EXCHANGE WITH UNITED KINGDOM OR UNITED STATES UNITS ON ASSIGNMENT IN PERSIAN GULF—JOINT TASK FORCE 2 TROOPS ASSIGNED TO PEACE TIME EXERCISES IN JORDAN

**Hon. J. Michael Forrestall:** Honourable senators, could the minister confirm whether we have Canadian Forces personnel serving on exchange with any British or American units now moving into the Persian Gulf region in Saudi Arabia, Kuwait, Turkey or Jordan?

As the former Defence Minister took great pleasure in announcing the deployment of JTF2 to Afghanistan to take part in that war, will the minister take us into her confidence and tell us whether JTF2 has joined the American and British Special Forces in their peacetime exercises in the Jordanian desert?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I am not able to provide the honourable senator with any information on JTF2 exercises at this time. As far as I know, the only JTF troops that are abroad at present are those in Afghanistan. If I learn otherwise, I will certainly share that information with the honourable senator.

As to whether we have troops serving on exchange, we almost always have troops serving on exchange with a variety of other militaries. Whether any troops are in Saudi Arabia at present, again, I will have to obtain that information for the honourable senator.

#### FOREIGN AFFAIRS

##### UNITED STATES—SMART BORDER PLAN AGREEMENT TO RESTRICT ASYLUM SHOPPERS

**Hon. Donald H. Oliver:** Honourable senators, it was reported on October 9, 2002, that the federal cabinet had given approval to a new refugee policy called "Safe Third Country," as part of a larger agreement with the United States called "Smart Border Plan." This policy is designed to crack down on asylum shoppers, a name given to refugees, who do not ask for asylum in the first country in which they land. The new agreement makes refugees ask for protection in the first country in which they land.

Last year, six out of ten refugee claims made in Canada were from people who landed in the United States first. This agreement would compel the United States to take these people back and vice versa. In order for the United States to agree to this deal, we are told that Canada has agreed to take 200 non-American citizens, per year, who have been detained by officials of the United States. Canada will pick which detainees it will permit into the country, from a list provided by Washington. This list may even include some detainees from the Guantanamo Bay prison camp, in Cuba. The reason why the United States wants Canada to take these people has not been made public.

Could the Leader of the Government in the Senate tell us why the government has willingly allowed the United States to dictate part of our immigration policy, just to sign an agreement on this matter?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I am deeply disturbed at the question posed by the honourable senator. Certainly, I am aware of the refugee policy and the safe country being the one in which the immigrant or refugee claimant first arrives. However, I know nothing whatsoever about the so-called agreement in regard to 200 detained non-citizens.



I find it remarkable, since we cannot even bring our own Canadian citizens back from the United States at present, that we may have moved into this new venture with the United States. However, I will obtain the information, if it is available, for the honourable senator.

I also wish to thank the honourable senator for having brought a question to my office yesterday. I must say that the document had been lost. Procedures have now been dealt with appropriately. Should he ever deliver another question early in the morning, I assure him that I will know about it at Question Period that afternoon.

#### RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

**Hon. David Tkachuk:** Honourable senators, in the *Ottawa Citizen* of October 19, 2002, the Prime Minister seemed to be in the dark about who or what is the Hezbollah. "Who is he?", Mr. Chrétien asked reporters, "I do not know him." That is in reference to Sheikh Hassan Nasrallah, the leader of the Islamic militant group, Hezbollah. The Prime Minister was asked, "Is Hezbollah a terrorist organization?" Mr. Chrétien replied, "I don't know."

Yesterday, during Question Period, the Leader of the Government in the Senate said, according to the copy of the blues that I received:

The Hezbollah organization has many arms, many branches. The branch that provides humanitarian aid and the branch that provides cultural support have not been declared by the United States or by the United Kingdom as a terrorist organization.

Is there anything about this statement that the minister would like to change? I understand that that statement, which was in the blues yesterday that I received in the office, does not appear in the same way in yesterday's copy of the *Debates of the Senate*.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I cannot explain why this reference has not appeared in the same way. I certainly did not make any blues correction, nor did any member of my staff. Why there is a difference in what came out in the blues and what came out today, I have no explanation whatsoever.

**Senator Tkachuk:** Honourable senators, in the *Debates of the Senate*, the Leader of the Government in the Senate states:

The Hezbollah organization has many arms, many branches. The branch that provides humanitarian aid and the branch that provides cultural support have not been declared by the United Kingdom as terrorist organizations.

In this excerpt "the United States" is left out.

I should like to perhaps correct the minister. I do not know whether she is on the same wavelength as the Prime Minister, but "Hezbollah" appears on the British terrorist list. According to the foreign affairs Web site of the British government, the Hezbollah organization appears on the British list as the "Hezbollah external security organization." It is listed in between the Tamil Tigers, whom Liberals may know about, and the Hamas. On the U.S. terrorist list, the organization is listed as the "Hezbollah party" and in parenthesis "party of God."

Honourable senators, I would be happy to provide information on who and what the Hezbollah is. For example, the head of the military wing is a man named Imad Mughniyeh. He is probably the world's most wanted outlaw. Imad has not been seen around this or any town in a while and is believed to be one of the two men who were the operational brains behind the New York attack. He has been on the CIA's most wanted list since 1984.

My question for the Leader of the Government is: How has this government artificially erected barriers between different branches of Hezbollah? All of the military experts I have spoken to will agree that there is no real division between the different branches other than, perhaps, in that the humanitarian side is involved with recruitment or raising funds.

• (1420)

How did we get all these organizations that no one but the leader seems to know about?

**Senator Carstairs:** Honourable senators, with the greatest of respect, the United Kingdom knows about it, which is why the United Kingdom and Canada have followed the same policy with respect to Hezbollah. Both countries have listed the external security organization of Hezbollah as a terrorist group. They have not listed the other arms of Hezbollah as terrorist organizations.

The United States, on the other hand, has listed the entire Hezbollah organization as a terrorist organization. A differentiation has been made, Canada and the United Kingdom on one side and the United States on the other side.

**Senator Tkachuk:** Honourable senators, the Hezbollah organizations do not list themselves as different organizations but rather as one organization.

#### NATIONAL REVENUE

##### TAX RELIEF FOR HEZBOLLAH ORGANIZATIONS

**Hon. David Tkachuk:** Honourable senators, I would like to know whether the Canadian government issues tax receipts to those who make donations to, as the leader has referred to them, the humanitarian wing of the Hezbollah organization in Canada.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not know at this point whether the government grants tax relief to any charitable organization that Hezbollah may operate. Hezbollah's military wing is not permitted to operate in Canada. However, their social agencies are allowed to raise money for the schools and clinics that they run in Palestinian refugee camps. Whether contributors are given a tax receipt for those monies or not, I cannot answer.

**Senator Tkachuk:** Perhaps the Leader of the Government in the Senate could table in this chamber documents that indicate how the Government of Canada knows where the money that is being collected in Canada by Hezbollah is going and being spent, who knows where. Obviously it is being spent by the Hezbollah organization, I believe, for terrorism or the recruitment of terrorists who have only one aim in mind, and that is to eliminate Israel.

Could the Leader of the Government in the Senate advise this chamber and table documents in this place as to how the Government of Canada assures itself that the money raised here is spent on humanitarian projects?

**Senator Carstairs:** Honourable senators, with the greatest respect to the honourable senator, I believe that charitable work should be allowed to go on among the Palestinian people.

If there is any hotbed of means to create a terrorist, it seems to me that if you allow someone to go uneducated, to live in abject poverty, to be subjected only to inculcation of cult-like ideas, then you will indeed produce a terrorist. I do not think that is in the best interests of anyone living in this world.

We should not be encouraging the growth of terrorists. I do think we should be educating children and feeding those same children.

### THE ENVIRONMENT

#### REPORT OF COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT—DISPOSAL OF TOXIC SUBSTANCES

**Hon. Mira Spivak:** Honourable senators, my question is dealing with the report of the Commissioner of the Environment and Sustainable Development.

The commissioner recently said that the federal government still has a long way to go to ensure that risks that toxic substances pose to Canadians are dealt with effectively. The commissioner also said that the current situation regarding toxic substances is unacceptable.

I wonder whether the Leader of the Government in the Senate can give this chamber any information about how the government will address the concerns regarding toxic substances raised by the Commissioner of the Environment and Sustainable Development?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for her question. In my response yesterday I indicated that I certainly consider the news brought down by the Commissioner of the Environment and Sustainable Development as bad news for the future of our children and our grandchildren, and that the government has to work towards a more positive direction for the future.

There have been increases in the environment budget over the last years. Clearly we have to continue in that direction and find the fiscal resources to make it possible to begin some of this clean up activity. The Commissioner of the Environment and Sustainable Development indicated that at this point it would take decades to do that. I should hope that we will be able to shorten that time frame.

**Senator Spivak:** Honourable senators, I am glad to hear that in the 1999 report of the commissioner the issue of toxic substances was raised and the fact that it had not been adequately dealt with.

I wonder if the leader can give us any indication about three things: One, the priority status of this issue within the Department of the Environment, two, the part of the department that will be

dealing with this matter, and, three, the timeline proposed. Are there any concrete plans in terms of those three questions?

**Senator Carstairs:** Honourable senators, what I found most interesting in my discussions with the commissioner in her briefing to me, and also in my reading of the report, was that some serious choices will have to be made within the Department of the Environment. The commissioner's concern is that we are trying to do too much and, as a result, not accomplishing very much.

Whether that priority setting will take place, senator, I do not know. I can assure the senator that I will urge that that kind of priority setting take place.

There will always be complaints from those who support priorities that are not high on the list. If we do not start setting goals and then meeting them, then we will continue in this environmental soup, which is how the commissioner so described it.

[Translation]

### ORDERS OF THE DAY

#### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under Government Business, I would like us to start with Motion No. 1, that is, resuming the debate on the address to Her Excellency the Governor General in reply to the Speech from the Throne, and then revert to the order of business as listed on the Order Paper.

#### SPEECH FROM THE THRONE

##### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(1st day of resuming debate).

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, first of all, I want to congratulate the Honourable the Speaker on her election as the Speaker *pro tempore* of this house. I should stress the fact that the vote was unanimous, and enthusiastically so. My colleagues on this side join me in wishing her the best of luck in her new position and ensuring her of our full cooperation, even if, from time to time, some of her decisions may not be received as well as others.

I also want to thank your predecessor, Senator Losier-Cools, who carried out her duties with distinction both in this chamber and elsewhere, bringing credit to the Senate.



[English]

Honourable senators, I want to commend both the proposer and seconder of the motion to adopt the Address and Reply to the Speech from the Throne for having done so with eloquence, albeit with, at best, but a casual reference to the speech itself. Indeed, Senator Morin did highlight the least controversial elements in the speech with enthusiasm but with no commitment to its urgent and immediate implementation. As for Senator Hubley, she made but one or two rather offhanded references to the speech, preferring instead to extol the Prime Minister in a futile attempt to defend him against his critics.

Like them, after listening to Her Excellency, I too have great difficulty in speaking to it in anything but vague generalities. While they contain some worthy intentions, they are set out in too vague and general a fashion to allow anything but a vague and general reaction.

In addition, the speech ignores many of the pressing issues of the day. It is all very well to promise, and I am referring now to extracts from the speech itself: to put in place a 10-year program for infrastructure, to set out a long-term direction on international and defence policy, to accelerate the clean up of federal contaminated sites in Canada, to adjust policies to enhance a climate for investment and talent, and to implement an action plan on official languages, for instance.

However, what about today's state of the Armed Forces, today's contaminated tar ponds in Cape Breton, today's lack of a national entity devoted to protecting shareholders from self-serving management, today's pathetic state of one official language in the public service, as recently lamented in the recent report of the Commissioner on Official Languages. What about the immediate needs of fisheries, agriculture, students and seniors?

• (1430)

To those who object to what appears to them to be a trivialization of the Speech from the Throne, I would point out a glaring omission on an issue of national concern: the Kyoto Protocol. In September, at the World Summit on Sustainable Development held in Johannesburg, the Prime Minister stated categorically that:

Before the end of the year, the Canadian Parliament will be asked to vote on the ratification of the Kyoto Accord.

Nothing could be more precise.

The Speech from the Throne, less than a month later, interprets this firm and unconditional commitment as follows:

Before the end of this year, the government will bring forward a resolution to Parliament on the issue of ratifying the Kyoto Protocol on Climate Change.

Honourable senators, so much for the pledge before the world of a national vote before the end of the year.

What disturbs me most about the speech is not so much its vague contents or lack of any inspiring vision, but what was originally intended as an outline of the government's priorities over a given period has become the personal position of the Prime Minister, this latest one being what has been generally

described — and not denied — as his legacy. It is a legacy, which, if ever acted upon, will severely handicap future governments by committing expenditures to long-term projects, whether endorsed or not by those responsible for implementing them. It is bad enough to have foundations outside the jurisdiction of Parliament, which does not have an oversight on their management, but what is worse is that over \$7 billion of public funds have, to date, been entrusted to them in perpetuity. Forcing, through programs entailing massive expenditures for years to come by a government which will no longer be in office in 18 months or perhaps even less, is an even greater affront to Parliament.

**Senator Kinsella:** Hear, hear!

**Senator Lynch-Staunton:** The September 30 document resembles not so much a traditional Speech from the Throne as it does a State of the Union address given by the President of the United States before a joint session of Congress. This is but another disturbing development which, left unchallenged, continues to reinforce the authority of the chief executive to the point that ministers have become pawns, parliament a rubber stamp, all directed by an unelected coterie in the Prime Minister's Office.

While the government will claim that the speech is all inclusive and touches on Canadians' main preoccupations, there is one glaring omission in it which is certainly not accidental, and that is Parliamentary reform.

These notes were written before the former Finance Minister raised it, and I am delighted to continue my comments in the same vein.

The concentration of power in the Prime Minister's Office, with a concurrent increasing irrelevance of Parliament, has been deplored for years. Indeed, this is not a recent phenomenon. Having its origins with the first Trudeau government, and having become more pronounced over the years, the result is that, today, the Prime Minister is no longer first among equals, but lord and master of all he surveys.

**Senator St. Germain:** Shame!

**Senator Lynch-Staunton:** Ministerial pronouncements are meaningless and generally ignored unless first approved by the Prime Minister. Any public straying from his intention by a caucus colleague usually spells an end to advancement, talent and commitment notwithstanding.

I am all in favour of strong leadership. I enjoyed it for 14 years as a member of the Montreal city council, having spent four years as vice-chairman of the executive committee when Jean Drapeau was mayor. He was constantly criticized for administering with an iron fist, not unlike the criticisms aimed at the Prime Minister today. A mayor of Montreal is answerable to all eligible voters for a fixed period, while a Prime Minister is usually elected in a safe riding by a few thousand friends and neighbours, often with only a plurality and not a majority, with absolute discretion to call a general election at any time within five years.

Surely, this is as good a time as any to seriously consider altering our electoral system so that a candidate for the office of Prime Minister is elected at large and along with all members of the House of Commons for a fixed and not a maximum term, as at present.

I am speaking in a personal capacity and, having made this suggestion many times before, I am aware of most of the objections to it. The main objection is that Canada would end up with a Prime Minister, without a majority in the House. I do not see a problem in that. On the contrary, some of the most productive and far-reaching federal legislation in Canada has been passed during the term of minority governments. As for a Prime Minister subjected to a non-confidence vote when his or her party is in a minority situation, this can easily be overcome by the formation of a coalition government, which is quite common in many European countries and elsewhere.

In the United States, a president more often than not must contend with one or both Houses of Congress, controlled by a party other than his. Yet, significant legislation does get through as a result of compromise and consensus, not of edicts from on high, as is the case in Ottawa. I say better a pizza government succeeding through compromise and consensus than a pizza parliament being instructed by non-elected government officials in the Prime Minister's Office.

In August, 2001, the Legislative Assembly of British Columbia passed Bill 7, an amendment to the B.C. Constitution Act requiring that "a general voting day must occur on May 17, 2005 and thereafter on the second Tuesday in May in the fourth calendar year following the general voting day for the most recently held election." If British Columbia has been able to find a way to significantly improve its own electoral system, surely this can also be done federally, either by amending the Constitution or through legislation. My priority at this point is to gain support. Others, more qualified, can determine the best methodology, should the proposal happily get that far.

The United States has great respect for the separation of powers, particularly between the executive and the legislative. While, in Canada, the legislative has become so subservient to the executive that it is attracting fewer and fewer qualified participants of the likes of those who at one time, much too long ago, focused the country's attention on their representatives in Ottawa, as all — Prime Minister and backbencher alike — first and foremost, showed great respect for the now largely ignored tradition and role of Parliament.

In early 2004, Canada will have a new Prime Minister, chosen by his or her party with Canadians watching from the sidelines, having absolutely no say in the selection of a person with extraordinary powers and authority over them. As Tim Lukkurst, a former editor of *The Scotsman*, wrote in *The New Republic* recently:

But it is a rule of British politics that a prime minister's most dangerous enemies are on his own side of the aisle... British premiers are party leaders, after all, not presidents with personal mandates from the electorate.

He might just as well have been writing about Canadian Prime Ministers.

I like to think that whoever that person, he or she will recognize that parliamentary reform is long overdue, and that the selection of a Prime Minister answerable directly to all Canadians as well as fixed election dates will go a long way towards restoring respect for Parliament and giving democracy in this country a good name again. Indeed, as three federal parties prepare to select new leaders next year, I would like to see every candidate of every party support parliamentary reform not as a pious statement, but in the form of specific recommendations aimed at returning to the elected members of the House, their traditional role as legislators, and allowing all Canadian voters the right to indicate their preference to the one who aspires to the highest office in the country.

Parliament also includes the Crown. While the timing of the Finance Minister's musings on the monarchy was deplorable, I, nonetheless, welcome his initiative in stimulating debate on the subject. Questioning the monarchy is not the same as questioning the monarch, it is questioning an institution in a country whose search for its own identity is ongoing, even endless. Of all the members of the United Nations, Australia, New Zealand and Canada are the only developed countries that do not have their own citizen as head of state.

In November, 1999, Australians were asked in a referendum to approve a president appointed by a two-thirds majority of Parliament to replace the Queen and Governor General. The referendum lost, and it is generally agreed that many who voted "no" were republicans who disapproved of a president who was not elected directly through universal suffrage, and so found the status quo less unacceptable. I doubt that her Her Majesty was offended by the debate, as it was about an institution, not an individual, as it should be here.

Evolution has been the story of this country since its origins, and if it really wants to evolve to become a truly recognized, independent nation with an identity of its own, what better way than to modify its national political institutions to reflect more accurately the character of its people? That is what parliamentary reform is all about, and the sooner we get on to it, the better.

On motion of Senator Carstairs, debate adjourned.

## PEST CONTROL PRODUCTS BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for the second reading of Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests.



**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the Pest Control Products Act, Bill C-8, controls products commonly called pesticides and encompasses a broad spectrum of products including insecticides, herbicides, fungicides, algacides, insect repellents, wood preservatives, et cetera. Effectively, the bill will replace a 33-year-old act and is long overdue.

In 1990, the Pesticide Registration Review Team, a multidisciplinary task force, was established and recommended that the pesticide management system be completely overhauled. Four years later, in 1994, the government released a proposal for the pest management regulatory system that set out steps that the government proposed to take in response to the recommendations of the Pesticide Registration Review Team.

It took a whole eight years before a bill was finally introduced. Although it has been a long time, I am pleased that this long-overdue bill is finally before us for consideration. In light of the length of time it has taken to reach this stage, it behooves us to undertake a careful review of the contents of the bill to ensure that it will perform the functions that all Canadians would want it to perform in the years to come.

Honourable senators might recall that the Progressive Conservative Party of Canada actively campaigned during the 2000 federal election for new pesticides legislation, legislation that would take into account exposure levels and toxicity of pesticides on the most vulnerable in our society. I am pleased to be supporting this bill because that principle, as I understand the bill, is embodied therein.

Bill C-8's primary objective is to prevent unacceptable risks to people in the environment from the use of pest control products. In the preamble of the bill we see that the regulation of pesticides is to be "pursued through a scientifically-based national registration system that addresses risks to human health and the environment both before and after registration." Ancillary objectives include supporting sustainable development to enable the needs of the present to be met without compromising the ability of future generations to meet their own.

The new Pest Control Products Act, according to our analysis, will incorporate modern risk assessment concepts, including special considerations of children and other vulnerable groups. To take into account potential pre- and post-natal toxicity, the margin of safety for children and pregnant women will be tenfold, although it should be noted that, in this proposed legislation, the minister can waive this requirement. I invite the committee to take a special look at that to ensure that such discretion is circumscribed. The bill will also provide for an evaluation of the aggregate exposure and cumulative effects of pesticides.

It appears that the bill will make the registration system more transparent by establishing a public registry to allow access to the detailed evaluation reports. It is critical that that kind of information be made available to the Canadian public.

It is to be hoped that, during the course of our review of the bill in the Senate, we will look into the issue of confidential business information and whether the public is getting as much information on the risks linked to pesticides as it should.

I am also pleased to see, honourable senators, the principle of whistle-blowing being dealt with in the bill. A clause in Bill C-8 allows the reporting of actual or potential contraventions of the act or the regulations to an inspector. Canadians reporting such occurrences would be protected in the workplace against dismissal, harassment or suspension. In other words, there is an anti-retaliation provision, which I find laudatory.

Finally, honourable senators, the bill proposes to improve the post-registration control of pesticides by requiring adverse effects reports and allowing re-evaluations of some older pesticides. The Minister of Health will have the authority to remove pesticides from the market if the data required for a re-evaluation or review is not provided.

The precautionary principle — the principle that lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent adverse health impact or environmental degradation — is in effect in the section of the bill dealing with re-evaluations. It is curious, however, that it is not included in other portions of the bill, including the preambular and the purpose sections. The committee might seek some explanation of this during the course of its study of the bill.

Honourable senators, 90 per cent of pesticide sales in Canada are to the agricultural sector. In the non-agricultural sector, sales are highest in the domestic use sector — about 56 per cent — followed by turf and ornamental uses, such as lawns and gardens.

Farmers use pesticides, as honourable senators know, to improve their crop production, reduce tillage of the land and reduce or prevent soil erosion. We must ensure that farmers have access to the most efficient and safest of pesticides.

The bill does not, however, provide for minor-use products. Croplife Canada and the Urban Pest Management Council of Canada, in a submission to the House of Commons Standing Committee on Health on the predecessor bill on this subject matter, stated as follows:

Canada's fruit and vegetable growers need minor-use product as the small size of Canada's fruit and vegetable market often makes it prohibitive to register minor-use products. The ability of growers to successfully diversify into new crops like chickpeas, lentils and buckwheat depends on the access to minor-use products. These products are critical to the economic security of these growers. Also, minor-use products provide farmers and growers with the tools they need to successfully manage pest resistance.

In sum, honourable senators, the principle of the bill meets with our concurrence, and I would hope that it would be adopted at second reading and referred to committee for detailed analysis.

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1450)

[Translation]

### PHYSICAL ACTIVITY AND SPORT BILL

#### SECOND READING—DEBATE SUSPENDED

**Hon. Francis William Mahovlich** moved the second reading of Bill C-12, to promote physical activity and sport.

He said: Honourable senators, Parliament has an opportunity to improve the quality of life and well-being of all Canadians.

[English]

Far more than a pastime, sport and physical activity are tools for living a full life in Canada. Not only do they help to deter delinquency and crime among our youth, they also engage thousands of volunteers from coast to coast and bring together Canadians from all walks of life.

Sport and physical activity contribute to the adoption of a healthy lifestyle and prevention of disease and illness. Participation in sport and physical activity at all ages increases resistance to such diseases as cancer, diabetes, osteoporosis, arthritis, heart disease and obesity, and to mental health disorders. Physical activity is fundamental to positive human development and contributes to healthier, longer and more productive lives.

Bill C-12 was passed in the House of Commons on June 18, 2002, and has been very well received by our honourable colleagues from that chamber. This bill is a great example of collaboration: collaboration between the orders of government, political parties and the stakeholders. It demonstrates political leadership in order to bring together the conditions most favourable to the advancement of sport and physical activity in Canada.

[Translation]

Bill C-12 responds to the recommendations contained in the 1998 report of the Sub-Committee of the House of Commons on the Study of Sport in Canada.

[English]

Bill C-12 also responds to numerous recommendations following an extensive national consultation process with the stakeholders that took place between 1998 and 2000. Approximately 500 representatives from the sport community were heard and their recommendations recorded. Many innovative ideas were raised during the process.

To reflect on those recommendations, the National Summit on Sport, presided over by the Right Honourable Prime Minister, was held in Ottawa in April 2001. Many of my colleagues in the

Senate participated in this historic event and are well aware of how the summit strengthened ties between the Government of Canada, provincial and territorial governments, and the sport community. It brought together all the players and reached consensus.

With Bill C-12, this Parliament is acting on the initiatives and consultations of the past several years. We are responding to commitments in the 2001 Speech from the Throne where we indicated that we would “promote health and prevent disease” and “strengthen efforts to encourage fitness and participation in sports.”

The Government of Canada’s commitment to the objectives of Bill C-12 was also renewed in the 2002 Speech from the Throne, which stated that the government will “work with its partners to develop a national strategy for healthy living, physical activity and sport, and will convene the first ever national summit on these issues in 2003.”

[Translation]

This bill is long overdue. It will replace the Fitness and Amateur Sport Act, 1961, which has served the government well but is no longer adapted to today’s reality.

[English]

This Parliament needs to act now because physical inactivity is dangerously gaining ground. The Canadian health system estimates that 24 per cent of Canadian children are overweight. For public health, the impact is disastrous, as physical inactivity incurred \$2.1 billion last year on direct health care costs. Even worse, it contributes to the death of more than 21,000 Canadians every year.

Like many other countries, Canada must amend its legislation to adapt it to new realities and to effectively reflect and strengthen the important role the Government of Canada plays with regard to physical activity and sport.

Honourable senators, when the Fitness and Amateur Sport Act was adopted more than 40 years ago, the government was not faced with the current challenges created by globalization, new technologies, advances in medicine, biotechnologies and the importance of broadcast rights, all of which have complicated the participation in and the management of sport.

Starting with the title, very few countries refer to “amateur sport” in their modernized legislation. This concept is increasingly ambiguous since professional athletes compete in the Olympics and so-called amateur athletes collect fees at some competitions. Therefore, Bill C-12 no longer refers to “amateur” sport and “fitness” and is replaced by “physical activity,” which refers more to the action of being active instead of one of the end results.

A preamble is included in Bill C-12 to demonstrate the government’s commitment to physical activity and sport and has been strengthened recently during the House of Commons committee stage to further guarantee services for francophone and anglophone athletes and participants.

[ Senator Kinsella ]



Bill C-12 is about inclusion and this Parliament believes that women should be full and equal partners in the Canadian sport system. This bill is directed toward increasing opportunities for all Canadians. Irrespective of gender, age, culture, language, social or economic status, and physical or intellectual capacity, more people must be given access to a greater number of sports so that each person can practice the sport of his or her choice. Therefore, more inclusive language has been added to the bill in response to the statements of witnesses during the House of Commons committee stage.

The bill entrenches the policies of the Government of Canada regarding sport and physical activity. With respect to physical activity, the government will promote physical activity as a fundamental element of health and well-being, encourage Canadians to incorporate physical activity into their daily lives, and reduce barriers to participate in physical activities.

The Canadian sport policy is based on the highest values and ethical principles, especially with regard to the doping-free practice of sport, the respectful treatment of all participants, and the intention to resolve sport disputes in a fair, equitable, transparent and timely manner. Bill C-12 is consistent with the landmark Canadian sport policy, whose objectives are threefold: increase participation in sport, support the pursuit of excellence, and build capacity in the Canadian sport system.

Bill C-12 clearly demonstrates this Parliament's commitment to encourage and assist Canadians in increasing their level of physical activity and their participation in sport. It also recognizes its commitment to support the pursuit of excellence in sport and to build capacity in the Canadian sport system.

Given today's challenges facing sport and physical activity, the proposed legislation clarifies, along with the title and terminology, the existing ministerial mandate to adequately reflect and strengthen the role of the minister or ministers responsible for sport and physical activity.

Over the past 10 years, the Canadian high performance sport system has experienced a large number of disputes over the selection of athletes to national teams and issues relating to doping in sport.

• (1500)

Internal mechanisms of sport organizations are used first for dispute resolutions; however, many have limitations. To respond to the demands of athletes and sport organizations, Bill C-12 provides for the creation of the Sport Dispute Resolution Centre of Canada. This centre will provide equitable access to conflict resolution and will serve as an alternative to costly and lengthy court cases.

As requested by the sport community, this centre will not be a federal institution nor a government body but, instead, an independent, not-for-profit organization with the appropriate accountability measures. Board members will be appointed by the minister responsible for sport in consultation with the sport community to ensure that individuals have the expertise and the capacity to enable the centre to fulfil its mission. As recently expressed by witnesses during the House of Commons committee stage, it will be up to the board to nominate the executive director of this centre.

With this centre, the sport community will be able to rely on a national arbitration and mediation service tailored to meet the needs and challenges the sporting world is facing today. The creation of the centre demonstrates the importance given by this Parliament to principles such as transparency, equity and diligence. It will place Canada at the leading edge internationally and will ensure stability, continuity and credibility to the alternative dispute resolution process.

Debate suspended.

## CODE OF CONDUCT AND ETHICS GUIDELINES

### DOCUMENTS TABLED

Leave having been given to revert to Tabling of Documents:

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I know this is an unusual process. However, the documents I am about to table are being tabled in the House of Commons at the same time.

Honourable senators, it is my honour to table in both official languages two documents. The first is entitled, "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence. The second is entitled, "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report."

[Translation]

### NOTICE OF MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[English]

## PHYSICAL ACTIVITY AND SPORT BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Callbeck, for the second reading of Bill C-12, to promote physical activity and sport.

**Hon. Leonard J. Gustafson:** Honourable senators, will the Honourable Senator Mahovlich entertain a question in regard to his speech on Bill C-12?

**Hon. Francis William Mahovlich:** Yes, honourable senators.

**Senator Gustafson:** Honourable senators, lately it has been shown that Haley Wickenheiser, an outstanding female hockey player from Saskatchewan, has worldwide fame. She is touted as the best female hockey player in the world. Would this bill allow her to play hockey in the NHL?

**Senator Mahovlich:** Honourable senators, a few years ago there was a woman who tried out for Phil Esposito's team down in Tampa. However, she did not make the team. I believe the woman to whom the honourable senator refers tried to make a team in Europe but somehow did not. I am told she was banned from playing.

There is nothing to prevent her from playing in the NHL, other than dressing in a private room.

**Senator Gustafson:** According to the news release, she was a competent enough hockey player to have made the team in Italy but then was not allowed to play in the league.

**Senator Mahovlich:** Honourable senators, I cannot speak for Italy. When I was a youth in Schumacher and our team was short a goalie, we had a player by the name of Becky Hicks play goalie for us. She did very well.

**Hon. Lowell Murray:** Honourable senators, since I am immediately following Senator Mahovlich, I cannot forbear parenthetically but to congratulate and thank him for the statesman-like declaration that he is reported to have made to a Liberal meeting in Edmonton a few days ago. According to the reports, Senator Mahovlich said he would urge the Prime Minister to provide more balance to the Senate by appointing opposition senators to this place. I want to tell him how much I, and I think we, admire his initiative in this respect and how greatly we wish him every success with it.

If perchance his representations should fall upon deaf ears, there is another way that he can provide some balance — that is to come and join the opposition and bring some friends with him. We would be glad to see them.

That being said, I want to thank him for having outlined so thoroughly the parliamentary committee background and the very widespread public consultation on this bill. I will not therefore cover the same ground.

Senator Mahovlich also referred with good reason to the multipartisan support that this bill achieved in the other place. While there was not, perhaps, unanimity on every point, the bill was the object of rare collegiality over there. Some amendments made at committee survived the report stage in the House of Commons, although several were defeated at report stage by the government majority.

As I think my friend noted, this bill was originally Bill C-54. It passed the House of Commons last spring and was awaiting first reading in the Senate when it was overtaken by prorogation. In the new session it was deemed to have been approved at all stages and here we are.

The bill before us repeals the Fitness and Amateur Sport Act of 1961. In my brief researches I discovered that there is federal legislation in this field going back as far as 1943. However, it is the Fitness and Amateur Sport Act of 1961 that has been in place to these more than 40 years.

I took the opportunity to look up the debates of 1961 on the Fitness and Amateur Sport Act. It was interesting to see the importance attached to this subject in Parliament at that time. Prime Minister Diefenbaker had indicated in public speeches that the government was serious about this kind of initiative. On the day that the bill was presented for the resolution stage, which was then part of the process, even before second reading, and after the Honourable Jay Waldo Monteith had spoken, Mr. Pearson, then Leader of the Opposition, made a lengthy and thoughtful speech on numerous aspects of the subject. His speech was generally supportive of the bill, although he issued some cautions about the independence of an advisory committee that was being set up. When the bill reached second reading, luminaries such as the Honourable Lionel Chevrier and Azellus Denis, later to become one of our honourable colleagues in the Senate, took part in the debate. Mr. Chevrier spoke to the benefits in terms of national unity and participation in amateur sport. As Senator Mahovlich noted, the word "amateur" has been omitted from Bill C-12.

• (1530)

At one point, Mr. Chevrier said, "While it is true that clashes of opinion make for better understanding, I believe it is equally true that bodily clashes are often conducive to goodwill and mutual respect."

I rather doubt that that is true, but I cannot speak from much experience because I have always tried to avoid bodily clashes. However, I leave the validity of Mr. Chevrier's comments for others to consider.

Mr. E. J. Campbell, Member of Parliament for Lambton—Kent, made quite a prescient speech about what we now refer to as second-hand smoke. I did not think it was an issue in those days, but there he was, stating in the House of Commons:

...we inhale too much tobacco smoke for our own good. Even non-smokers find themselves in such a position where they must breathe air that has been fouled by the smoke of other people. Yet many people seem to think that the pinnacle of social accomplishment in our day is to be able to inhale great gulps of those same impurities deeply down into their lungs and then blow them out again into the air for other people to breathe.

**Mr. Pickersgill:** Shame.

That was on September 25, 1961.



Shortly after, the Honourable Paul Martin, Essex East, said to Mr. Campbell: "Is the honourable gentleman making any accusations?" Mr. Campbell replied: "No, I do not think the honourable member for Essex East was there." Mr. Pickersgill responded: "Maybe his smoke was." Mr. Martin Sr. was a renowned cigar smoker.

Azellus Denis who later came to the Senate made a speech in which he told his colleagues in the Commons that if they wanted to do something about physical fitness, they should start with themselves. He said that they had only to look around to see that many MPs were too old and too fat, and that it would take weeks before we could turn them into real athletes. Mr. Martin, Essex East, asked: "You are not referring to the Minister of National Health and Welfare." Mr. Denis replied: "No, because he is not too fat, but I could refer to the Secretary of State, Mr. Noël Dorion, who could certainly afford to lose dozens of pounds if the government would give him the opportunity to do so." Mr. Denis continued and advocated the provision of a gymnasium to all members of Parliament and senators. Some of these recommendations have come to fruition in the years since. I would not dare to embark, as our old friend Mr. Denis did, on a discussion of my own or anyone else's physical fitness, in Parliament.

That being said, it is true to say that the current act has stood the test of time. Indeed, most of its features have been incorporated in Bill C-12. Of the 16 items listed under "Objects and Mandate" in clause 5, fully 10 of them are carryovers, almost word for word, from the current act. The authorization of the government to enter into federal-provincial agreements was also in the 1961 act.

Senator Mahovlich has correctly said, and the government has been at pains to point out, that it is time to redo the act in the light of modern conditions. He mentioned one of the more commendable aspects of the proposed legislation — the importance attached to facilitating the membership of under-represented groups, such as the handicapped and others, in physical activity and sport. There are also references to the hosting of major sporting events and, "autres temps autres mœurs," anti-doping measures in Bill C-12.

Honourable senators, the bill contains a declaration on official languages in the preamble, to which Senator Mahovlich referred. Allow me to say, and this is obvious to anyone who takes an interest in the matter, that the national sports organizations and Sports Canada have quite a dismal record in respect of the equality of status of the two official languages. This has been amply demonstrated several times by Dyane Adam, Commissioner of Official Languages. I recognize that the situation is improving, but the national sports organizations, or some of them, have communicated with the country and with their stakeholders as if there is only one language in this country, and that is English.

Ms. Adam identified other systemic barriers to the participation of francophones in sport. I say that because, in the preamble of the bill, there is an effort on the part of the government, or its sports clientele, to put their best foot forward on the question of language. The preamble states:

...the Government of Canada recognizes that physical activity and sport...produce benefits...including strengthening the bilingual character of Canada;

The commissioner may have suggested something of the kind, but I find that to be a bit of a stretch. It could help to reinforce national unity, but that is not quite the same thing as strengthening the bilingual character of Canada.

The preamble also states:

...the Government of Canada is committed to promoting physical activity and sport, having regard to the principles set out in the Official Languages Act;

I do not understand the connection; it is a non-sequitur. The government is actually trying to cover a multitude of past sins of the sports bodies with such declarations in the preamble. However, it is rather doubtful, as commendable as those declarations may be, that they would, by themselves, change very much.

Honourable senators, the central new initiative is the creation of the Sport Dispute Resolution Centre of Canada. In respect of official languages for such a sport dispute resolution centre, clause 9(5) states:

The Centre shall offer its services to, and communicate with, the public in both official languages of Canada.

Clause 17(1) states:

The board of directors may make by-laws — providing for

(g) the establishment a policy respecting the official languages of Canada that includes

(i) principles governing the use of English and French by the staff of the Centre in their communications, provision of services and daily work, and

(ii) a mechanism for resolving disputes related to the application of the policy;

All of this could have been covered with a simple provision in the bill: that the Official Languages Act would apply to this centre as though it were a federal institution.

• (1520)

However, they are so anxious to set themselves apart and to reinforce and to entrench the arm's-length nature of the organization that they twist themselves into a pretzel in order to avoid being the subject of an act such as the Official Languages Act of Canada. I do not know why this should be so. As the commissioner pointed out before the House of Commons committee, we did it for Air Canada. When Air Canada was privatized, Parliament decided, in its wisdom, to bind Air Canada to the Official Languages Act. We cannot do the same for this little sports disputes resolution centre. Why not?

To come back to the centre itself, I am reminded of the questions that were asked by Marcel Massé when he headed up the program review exercise in the early days of the Chrétien government. The three questions he posed about programs were, and I paraphrase, one, is this program necessary; two, is it necessary that it be a government program; and three, is it necessary that it be a federal government program?

The answer of all those consulted in this wide consultation, the answer of the government and the answer of the five political parties in the other place seems to be a resounding yes to all three questions. I discovered while reading the transcripts of the committee hearings over there that there is already what is called a temporary organization, the ADR-sport-RED. The "RED," I presume, refers to French designation. ADR refers to alternative dispute resolution, which was established by the Canadian Centre for Ethics in Sport. It comprises people from the Canadian Olympic Committee, the Canada Games and Athletes CAN. It is funded by Sports Canada. It was established in December and opened for business in January. It has a chair and an executive director who appeared before the committee. It has an acting director general and a registry or a dispute secretariat, which manages the cases from an arbitration centre in Montreal.

There was some talk in the testimony of "transition" from the ADR to the proposed new body, which leads me to ask why it was not possible to simply add to what already existed and whether we really needed this part of the legislation. I cheerfully acknowledge that all the people who were consulted, the government and the opposition parties over there, seemed to think that it is absolutely necessary, and so we have this legislation before us.

This SDRC has been set up under a new alternative service delivery policy of the Treasury Board. It is "at arm's length" from the government. What does this mean? As I understand it, this means that Parliament creates the body by statute. Parliament funds the body. Whether it is funded by an endowment or an annual appropriation, it does not say.

What will we have created? The legislation states explicitly that this body will not be an agent of the Crown. This body will not be a departmental corporation or a Crown corporation. What will it be? They do not really give it a name. It is an alternative organization. It will have 12 directors appointed by the minister, but once that is done and the organization is created, it is goodbye, Godspeed and be sure to write if you need money. That is about it.

**Senator Bolduc:** I like it.

**Senator Murray:** The Financial Administration Act does not apply. Public Service Staff Relations Act, no way. Auditor General of Canada, who is she? Access to information, never heard of it. Privacy Act, what is that? The Official Languages Act does not apply. Statutory Instruments Act, never heard of it. Forget about it.

There will be an audit. There will be an audit committee. It may be that the auditing firm from Charlottetown will be engaged, one never knows. Then there will be an annual report. The annual

report is to be made public, but there is no provision for it to be tabled in Parliament. There will be an annual public meeting somewhere.

We will have created this thing and we will be funding it, but Parliament is out of the loop.

**Senator Lynch-Staunton:** Here we go again.

**Senator Murray:** The accountability of the organization — and it is certainly an amorphous accountability — is to be to the sports community. It is certainly a movable feast, the whole arrangement. The "stakeholders" consider this not only normal and desirable, but really still not quite removed enough from the government.

I say this without wanting to be personally critical, but here we have a man by the name of Gordon Peterson, who is one of the prime movers and president of this ADR sport, this temporary organization that has been set up. He testified before the House of Commons committee. A question was put by MP Jim Abbott, who said:

It seems to me that...there's a real chomping at the bit about the fact that the government has control, and so on and so forth. It strikes me that, as legislators, and particularly as opposition legislators, it's our responsibility to hold the government accountable. The government must be accountable for the dollars that it spends.

Mr. Peterson replied:

Absolutely. I agree, and it is a balance. It's a balance between independence and accountability.

Then he said:

When everyone looked at the legislation, the first reaction from the vast majority of people was that it will just be another government body and another thing we have to do reports for. That's not what people want to have. The object is to try to move forward and allow the sport community to have a mechanism that's going...so that's the balance between accountability and independence.

I agree with you that there is a balance. The debate is really about where that balance is. "My opinion," he said, "is that this goes a bit too far."

In other words, Mr. Peterson is saying that there is too much government involvement in the organization, just with the appointment of directors. Some of us would say that it is an offence against the essential accountability of government to Parliament that we set up these organizations, fund them and send them on their way, and there is no real reference to Parliament. There is no provision for the tabling of an annual report or any periodic examination. The centre is being placed beyond effective ministerial oversight and parliamentary scrutiny.

[ Senator Murray ]



There is a provision in the bill to allow the minister to dissolve this organization. Am I the only one who finds it peculiar that Parliament will create the organization, but if it is to be dissolved, the minister will simply dissolve it? Why does she not have to come back to Parliament if she proposes that it be dissolved? She also has authority in the bill that in dissolving the organization, she can take its assets, whatever they are, and distribute them among those who are of a like mind or are for a similar cause.

[Translation]

**Senator Bolduc:** It is like submarines that dive underwater and then never surface!

[English]

**Senator Murray:** I did not quite hear what Senator Bolduc said, but I am sure it was very apt.

This organization is placed beyond effective ministerial oversight and parliamentary scrutiny.

• (1530)

I do not want to exaggerate the impact of this particular case because, as Senator Lynch-Staunton has observed, it is one of many. We are talking about an organization with a budget that will probably be in the neighbourhood of \$1 million a year. There are far greater departures from the tradition of accountability to Parliament, which have either taken place or are contemplated, now that we have the alternate service delivery policy of Treasury Board.

Honourable senators, it is odd to me that the House of Commons, the Senate and the media are full of talk of this so-called "democratic deficit," and the need to restore government's accountability to Parliament. Mr. Martin and other people are talking about such things as make-work projects for MPs and giving MPs a look into what have been executive prerogatives, but the essential points are the accountability of the government to Parliament and the power of the purse. Until those are restored to Parliament, the rest of it is all, in my humble opinion, pretty marginal.

Yet this bill has gone through. I read to you what Mr. Abbott said in committee, but the bill has gone through with hardly a voice raised to protest those aspects of it that marginalize Parliament.

I conclude, honourable senators, by saying that I do not know whether it will be possible to improve the bill in those respects. There will be howls of outrage from the so-called stakeholders, the clients who have been consulted and have urged this course upon the government. Perhaps we can give some thought to some of those aspects when this bill is referred to committee, which I trust will be soon.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Mahovlich, seconded by the Honourable Senator Callbeck that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Senator Kinsella:** No.

**Some Hon. Senators:** Agreed.

**Senator Kinsella:** On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Mahovlich, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

## TAX CONVENTIONS IMPLEMENTATION BILL, 2002

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Setlakwe, seconded by the Honourable Senator LaPierre, for the second reading of Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, this bill is similar to ones we have received over the years regarding tax conventions with a number of countries. On one occasion in particular, some of us questioned having a tax convention with Uzbekistan, a country with a deplorable human rights record, a dictatorial government, and very little Canadian investment. The question raised was: Why should Canada associate itself with such a regime? On the one hand, it is to protect Canadian citizens if they happen to have investments over there. On the other hand, that raises the question: Why do we want to encourage Canadians to invest in countries whose form of government is so reprehensible?

It was an interesting time because that particular bill, dealing with Uzbekistan among other countries, went not only to the Banking Committee, but also to the Foreign Affairs Committee, where officials from the Department of Foreign Affairs and International Trade tried to explain their policy on doing business in countries such as Uzbekistan. The answers were not satisfactory to some of us, but at least there was involvement by the Department of Foreign Affairs and there was a pledge given at the time that, when similar bills came before us again, there would be an assessment or analysis done by that department. The last bill that came before us did not include that assessment and, unfortunately, I see again in the excellent briefing book prepared by the Department of Finance that there was no participation by the Department of Foreign Affairs and International Trade to give us an appreciation of some of the entities with which we are called on to conclude a tax treaty.

There are three countries here that one must look at more carefully. I will read you quickly some of the analysis done by Amnesty International in a report covering last year.

In the case of Moldova it states:

Arbitrary detention and ill-treatment by police continued to be reported. Conditions of detention in many police lock-ups and prisons amounted to cruel, inhuman or degrading treatment. At least three political prisoners remained imprisoned in the self-proclaimed Dnestr Moldavian Republic (DMR).

In the case of Kuwait it states:

The majority of human rights violations related to the period of martial law following the withdrawal of Iraqi forces in February 1991.

The paragraph continues to outline the deplorable condition of prisoners, including the fact that the government has still not addressed most of these violations, including the imprisonment of prisoners of conscience, unresolved extrajudicial executions and "disappearances."

Finally, I move on to the United Arab Emirates in respect of which the report states:

Although the law prohibits child labour in the UAE, children from Asia and Africa are often trafficked to the UAE to work as jockeys in camel races. They endure extremely poor conditions and are often abused.

I do not wish to seem purer than the pure, but I believe that, since Canada does have a strong conscience regarding human rights, it should make its position known around the world, especially in countries where the violation of human rights and the treatment of children and women is deplorable. I do not understand what advantage we gain in engaging in tax treaties with these countries. It is a sanction, in a sense, of what is going on over there.

I will not belabour you further with my feelings. I have done that here before, as have other colleagues. I would only hope that, when this bill goes before the Banking Committee, officials from the Department of Foreign Affairs and International Trade will be invited to appear before the committee so that, at third reading, we can debate what the policy is regarding negotiations with countries such as these which have a deplorable attitude toward the rule of law, an inhuman attitude towards individuals, and whose dictatorial attitudes are completely unacceptable.

The answer to that may be, "Well, there are Canadians over there and we have to protect them and give them whatever advantages they can have under these treaties." To that my argument is: Why do we encourage Canadians to go to those countries? What benefit is there to the countries to which they go? Are their investments profitable to individuals in those countries? Somehow, I doubt it. I do not see the Uzbeks better off because of Canadian investments, nor do I think Kuwaitis are better off. This also applies to any other comparable country, and does the Canadian economy benefit? We shall see.

I hope the steering committee of the Banking Committee will accept having officials from the Department of Foreign Affairs and International Trade because in the briefing book, in a section called "Frequently asked questions," one question is: "What is the purpose of Canada's tax treaties?" The answer is: To facilitate international trade and investment.

• (1540)

In effect, these tax treaties facilitate international trade and investment in countries where I think we are better off being absent as far as making investments that serve to maintain the status quo, whereas, perhaps, if we and others, stayed away, the regimes would be more sensitive to how the rest of the world views them.

[Translation]

**The Hon. the Speaker pro tempore:** Honourable senators, if Senator Setlakwe speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Setlakwe, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[English]

## BROADCASTING ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** moved the second reading of Bill S-8, to amend the Broadcasting Act

He said: Honourable senators, Bill S-8 will serve to amend the Broadcasting Act. This is exactly the same bill that our former colleague Senator Finestone moved in the last session. The bill was then numbered Bill S-7 and was not only adopted at second reading, but it was also reported without amendment by a committee of the Senate and adopted at third reading. A message was then sent to the other place, where the bill received second reading. It was then referred to the Heritage Committee of the other place and reported back to the House of Commons. The report was then adopted.

My understanding is that, according to the rules in the other place, if, after prorogation and within the first 30 sitting days of a new session, a message is sent to the other place regarding a bill that was initiated in the Senate saying that we have re-adopted this bill, it would be able to be reinstated at its last stage, that is, the completion of the report stage in the other place.

Therefore, I hope that we will deal with this bill expeditiously, so that the House of Commons will receive it within the 30 days, and then it can be reinstated at the stage that had reached at the time of prorogation.



As to the merits of the bill, we will go through the normal process in the Senate. I will now speak to the principle of the bill in the hope that it will be adopted at second reading and referred to the Standing Senate Committee on Transport and Communications for its expeditious consideration.

The committees in both the Senate and the House of Commons that studied Senator Finestone's Bill S-7 extensively reviewed and unanimously supported the bill late in the winter of 2001. The bill was returned to the Senate for third reading in June of 2001, where it again received unanimous support and was passed.

The members of the House of Commons reviewed the bill, as I mentioned, in the Heritage Committee from January through May of this year. As with the Senate committee process, extensive testimony was heard from various witnesses, including representatives from industry, government, private for-profit organizations, as well as public interest groups and non-governmental organizations. The bill was reported from the House committee without amendment in June of this year.

I would underscore the point that all witnesses concurred with what honourable senators had examined and agreed upon in terms of the principle of the bill and, most important, the principle that increased citizen participation can only benefit our society in the exercise of our democratic process.

The spirit and intent of Bill S-8 rests with the concept that every democratic society should foster active citizen participation in public issues. Modern democratic life requires that an active role be played by the population. It needs participation by members of the community. It is on this underlying principle of the bill that all interests have agreed. It is on this principle that the bill was widely supported as it proceeded in the last session.

A number of elements in the bill have attracted the support of honourable senators and members in the other place, including, for example, first, that through this amendment to the Broadcasting Act, the Canadian public will have more equitable representation and participation in regulatory and policy matters relating to the broadcasting, cable and television industry in our country. This is a principle that all of us here had embraced and do embrace. That is an important principle and key to this bill.

A second attractive feature of the bill, honourable senators, is that this change would be of benefit to the CRTC by improving the quality of evidence that it receives and considers as part of the commission's policy and regulatory decision-making process.

As well, this amendment to the Broadcasting Act is fair and will not burden the broadcasting industry.

I urge honourable senators to immediately adopt this bill at second reading stage and that the bill be then sent to the Standing Senate Committee on Transport and Communications for its expeditious study and report back to the Senate for third reading, so that a message may be sent to the other place, advising them thereof.

On motion of Senator Robichaud, debate adjourned.

• (1550)

## NATIONAL ANTHEM ACT

### BILL TO AMEND—SECOND READING DEBATE ADJOURNED

**Hon. Vivienne Poy** moved the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Poy*).

She said: Honourable senators, I would like to begin by thanking all the senators who have spoken in support of this amendment, senators who have indicated their support privately, as well as the many Canadians who have written to me on this issue.

I would also like to express my thanks to Frances Wright and Jeanne d'Arc Sharp and the ad hoc committee of the Famous 5 Foundation for launching the petition to amend the national anthem over a year ago on Parliament Hill.

It is my pleasure now to speak on Bill S-3, entitled "An Act to Amend the National Anthem Act to include all Canadians," which was Bill S-39 in the last session of Parliament.

I shall begin by outlining the specific amendment to the wording of the national anthem that I am proposing in this bill. I will then address some of the concerns that have been expressed in this chamber. Finally, I will explain why I believe this change to be an appropriate one.

The amendment I am proposing to the national anthem is a minor one. The words "thy sons" will be replaced by the words "of us," and the verse then will read as "true patriot love in all of us command." Two words will change, that is all.

The decision to choose "of us" was not my own, but based on the public response, discussions with linguists and music historians. According to most of the letters I received, and to the experts, these two words retain the fundamental meaning of the lyric, the poetry of the line as well as fitting well with the music. They are also in keeping with historical tradition.

Over a year ago, a constituent, Nancy MacLeod, brought to my attention the original version of *O Canada* as it was penned in 1908 by Sir Robert Stanley Weir, which read "true patriot love thou dost in us command" on the same verse, in the same line, as I am proposing to make this amendment. The song was amended to read as "thy sons" shortly before World War I, likely as part of a national effort to recruit men to the war effort. It was never returned to its original wording. However, there can be no doubt that Sir Robert Stanley Weir's intent in writing the song *O Canada* was to include both men and women.

Some concerns have been expressed about the intention of this amendment in this chamber, in the media and among the public. For the benefit of honourable senators and the public, I would like to clarify that Bill S-3 will not affect the French version of the national anthem, and it will not remove the reference to God in the anthem. The intent of this bill is simply to update the anthem so that it is more reflective of our society today as well as inclusive of more than 50 per cent of our population. Therefore, the amendment only affects two words in the anthem, "thy sons," which would be amended to read "of us."

The question has been asked in this chamber: Why should we not amend the national anthem to take in other concerns beyond gender, for example, those of fishermen, bankers, and software engineers? Such an argument is at best facetious, at worst intellectual sophistry. Women are not just any other group. We comprise more than 50 per cent of the population of Canada and we deserve to be recognized.

It has also been argued that because this is an anthem, it is not necessary that it represent our fundamental values. After all, many national anthems in many other countries do not represent their present-day values. This, I would argue, is beside the point. Canadians are leaders, not followers. Many countries have not adopted as comprehensive a set of rights legislation as Canada. However, has that stopped us from moving forward? Are we to follow only what other countries have done? Do we model ourselves after the Americans, the French or other countries in all things? No. This is Canada. We are a young, innovative and progressive nation.

In many ways, we are like Australia, but the Australian government quite wisely adopted inclusive language in its national anthem. The committee that examined the words of their national song in the early 1980s replaced "Australian sons, let us rejoice" with "Australians all, let us rejoice" before *Advance Australia Fair* was proclaimed officially as the national anthem in 1984. Admittedly *Advance Australia Fair* is not a perfect anthem. When *O Canada* is amended it will not be perfect either. However, *O Canada* will be much improved because it will include everyone in this country, and Canada will command its sons as well as its daughters.

I would like to address the issue of whether *O Canada* can be changed. Sir Robert Stanley Weir amended his song twice, taking into account the times in which he lived. The federal government amended the song once again in response to the recommendations of a committee in the late 1960s. There were also, for many years, competing versions of *O Canada* — no less than 26 different versions in fact. This song that we sing as our anthem has never been set in stone. The act of 1980 indicated that there was to be no copyright on the melody or the words of the national anthem, declaring them to be in the public domain. Therefore, the anthem belongs to the people of Canada and it should reflect Canadian society.

I should note that I am not the first to introduce such a bill. Many bills calling for the same amendment have been introduced in the other place. These bills were in response to very real concerns expressed in 1980 when Bill C-36, the National Anthem Act, was discussed in Parliament. At that time, it was noted in the debates that the wording did not accurately reflect the reality of Canadian society.

On June 27, 1980 when Bill C-36 passed through the other place and the Senate, and received Royal Assent on the same day, there were misgivings expressed about its passage. While it was widely felt that there was a need for an official anthem, assent for the National Anthem Act was obtained only with the understanding that the lyrics would be subject to further scrutiny and modification by a committee. The debates indicated that the members of Parliament and senators shelved whatever amendments and concerns they may have had about the bill on the assumption that changes would follow shortly after its passage.

If there were concerns expressed in 1980, how much more concerned should we be today that the anthem does not reflect the society in which we now live? More than 20 years after the passage of the Charter of Rights and Freedoms, which guarantees women's equality in section 28, with the monument of the Famous 5 now on the Hill, and with women working outside of the home in unprecedented numbers, this amendment is not only appropriate but also necessary.

Words are important. After all, it is the words of the national anthem that make us glow with pride as we stand at attention when it is being played. However, many women have told me that they feel excluded and men felt offended that their mothers, wives and daughters are not included in our national anthem. Just imagine the reaction in our society if the anthem was written to read "in all thy daughters command."

In the letters I have received, many people have said they already substitute their own words for "thy sons" when they sing the anthem. Ms. Carolyn Emerson of the NSERC/Petro-Canada Chair for Women in Science and Engineering wrote, "I support your proposed change to 'true patriot love in all of us command.' I sing those words all the time, anyway."

• (1600)

This year, a member in the other place led the singing of *O Canada* substituting the words "thy sons" with "of us." Marcelle Mersereau, an MLA in the Legislative Assembly of New Brunswick, last year wrote, "I feel strongly that in 2001 our National Anthem should have language which is inclusive."

Sharon, Lois and Bram, the well-known children's entertainers, have opted for "of us" on their latest CD released this fall. This version was played at a Blue Jays game in Toronto this summer. The new words are catching on.

In churches, such as the United Church of Canada and the Presbyterian Church, parishioners are offered an alternative inclusive wording to "in all thy sons command" in their hymnals. The New International Version of the Bible was updated last year so all parishioners feel included. The word "sons" has been replaced by the word "children," and the word "man" has been replaced by the word "person," so it came as no surprise when I received a letter from Dr. Marion Pardy, the Moderator of the United Church of Canada, stating that the United Church endorses this amendment.



You may ask why change it at all? The best answer is found in the voices of Canadians who have asked me to bring this bill forward. Mitchell Sharp wrote to congratulate me on my presentation of this bill. Last summer, Mary Lou Stirling of the New Brunswick Advisory Council on the Status of Women endorsed this amendment by saying, "It is a very patriotic song. I love it, but I would like to be part of it." Progressive institutions such as the YWCA, the Association of Canadian Clubs and the National Council of Women of Canada, all argue for the necessity of this amendment.

Four heads of universities have thrown their support behind this bill, no doubt because they recognize the increasingly visible presence of women on their campuses. Dr. Bernard Shapiro, Principal of McGill University; Dr. Robert Birgeneau, President of the University of Toronto; Dr. Gail Cuthbert Brandt, Principal of Renison College at the University of Waterloo; and Dr. Lorna Marsden, President of York University, have all written to me with their unequivocal support. Dr. Marsden, a former member of this chamber, wrote:

Congratulations on your Bill to change the wording of the National Anthem back to its original non-sexist form...your arguments based on the original 1908 version of the wording are indisputable.

Dr. Robert Birgeneau wrote:

I congratulate you on taking the initiative in this very important matter of equity in one of the most powerful expressions of our Canadian identity — our national anthem.

Our national anthem is one of the most important symbols of Canada, and it represents our fundamental ideals. Although we do not often reflect on the nature of our symbols and their importance in our lives, they represent our beliefs as a society. Of course, women's studies programs in Canada have long sought changes such as these. Dr. Margrit Eichler, Director of the Institute for Women's Studies and Gender Studies at the University of Toronto, noted that their board endorsed the amendment to the anthem and considered it an important issue.

There has also been considerable support in the media for this change, reflecting the understanding that the language we use has an impact on the way we think. Consider that the Canadian Press stylebook notes that, "...words like spokesman and chairman cause resentment, understandably when applied to women."

Sherri Graydon, former president of Media Watch, Stephanie MacKendrick, President of Canadian Women in Communications, and Peter Trueman, former Global Television network anchor, have all come forward in favour of this change. In the arts community, Dr. Matthew Teitelbaum, Director of the Art Gallery of Ontario wrote, "Canada will benefit from the inclusiveness of the proposed bill."

Many other writers, linguists, editors, or educators who are sensitive to the impact of language have also written. One writer noted that we have eliminated many racist terms over the years

because we recognize that language reflects and shapes the way we think. Nevertheless, some seem to be reluctant to amend the national anthem to include women.

Individuals who support this amendment understand that this is not about political correctness, nor does it take anything away from anyone. The argument that it diminishes the recognition of soldiers' accomplishments in the past is not valid because women contributed, and continue to contribute, equally to the war effort. This perspective is supported by veterans of World War II, men like Mr. Stuart Lindop, a former member of the South Alberta Regiment, who contends that:

The women who are members of our Canadian Armed Forces must find a certain irony when they sing our national anthem, especially the fourth sentence, true patriot love in all thy sons command. Women are implicitly excluded from recognition.

Given women's involvement in the military, in peacekeeping missions all over the world, and in the conflict in Afghanistan, I would agree with Mr. Lindop that women deserve recognition in our national anthem. The contribution of women to Canada, whether in civilian or military life, should be acknowledged.

There are those who denigrate this amendment as insignificant, unnecessary and trite. This begs the following question: If the change is so insignificant, why oppose it?

Let us pass this bill quickly with little debate. This is a minor change that is in keeping with today's non-sexist language, with Canada's image as a leader in human rights, as well as in keeping with the original historic meaning of the song as set out by Justice Robert Stanley Weir in 1908.

The rights of women are already enshrined in Section 28 of the Charter of Rights and Freedoms. Equal rights are espoused by all levels of government, private corporations, and increasingly in the home. Today's young women, who are entering non-traditional occupations in increasing numbers, expect to be included in our national anthem.

Admittedly, there are still many injustices, inequities and barriers to overcome. This amendment will not right these wrongs, but it will signal a change that reflects the value that we, as a society, place on equal rights for all, to everyone in Canada, and to the world.

Honourable senators, it is clear to me that we all have a stake in ensuring equal opportunities for our future generations. We need to show Canadians that parliamentarians have the will to give real meaning to the word "equality." Our institution has shown itself to be progressive and senators to be leaders in our country. Honourable senators, we need to take the lead once again as champions of equal rights for all Canadians.

On motion of Senator Oliver, for Senator Spivak, debate adjourned.

• (1610)

### QUESTION OF PRIVILEGE

**Hon. Lowell Murray:** Honourable senators, nothing in this question of privilege should be construed as criticism of the substantive work of the Standing Senate Committee on Social Affairs, Science and Technology on this crucial area of public policy. Their work has been prodigious and does credit to themselves and to the Senate as a whole, and I congratulate them on that. Nevertheless, something is being proposed now which, intentionally or unintentionally, and I am sure it is unintentional, is in contempt of the privileges of this Senate.

I refer in the notice which I gave to the stated intention of the committee to table a report with the Clerk of the Senate on Friday next when the Senate is not scheduled to sit, said report being ready for tabling on Wednesday or Thursday when the Senate is scheduled to sit.

Honourable senators, first of all, I acknowledge that there is in the order of reference to the committee of October 8 the following provision:

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

My first argument, honourable senators, is that this provision was intended to apply to situations in which the Senate and one of our committees were facing a prolonged adjournment, such as a summer adjournment or the Christmas break. It was never intended simply to facilitate the media strategy of a committee. That is what is happening in this instance.

There was a time when this authorization to table a report with the Clerk of the Senate would be brought in as and when required as a separate motion, and the Senate almost invariably, on the eve of a recess, gave permission to the committee in question to table with the Clerk because the Senate would not likely be sitting when the report was ready.

There are two facts that I should draw to your attention, the first being that the report is ready. This report is ready for tabling in the Senate while the Senate is sitting. The second fact is that the committee intends, on the word of its chairman, to wait until Friday morning when, in all likelihood, the Senate will not be sitting to table the report with the Clerk of the Senate and then proceed to release the report to the media at a media conference. How do I know this? I know this because I have, under date of Monday last, Monday, October 21, a memorandum from the chairman of the committee, Senator Kirby, to the members of the committee.

Dear Colleagues,

I would like to review with you the sequence of events for the tabling of the Volume Six report of our study *Recommendations for Reform*.

You will find enclosed the following documents:

- Volume Six Report
- Highlights
- Speaking Points for Senators

These documents are CONFIDENTIAL until the report is tabled. I will table the Volume Six Report at 8:00 a.m. on Friday, October 25, 2002 with the Clerk of the Senate at which time it will become a public document. Messengers will deliver the report to all senators' offices at that time.

At 10:00 a.m., Senators LeBreton, Keon, Morin and myself will hold a press conference at the National Press Theatre in Ottawa.

Honourable senators, several things are very clear. The report is ready. The members of the committee have in their possession a copy of the report. It is ready for tabling here now, or tomorrow, or even Friday morning if we choose to sit Friday morning. It is ready for tabling in this place, and its tabling should not be postponed until a time when the Senate is not sitting, even to facilitate the media strategy of the committee.

The remedy, honourable senators, to me is very clear. By instruction of the Chair, our friend the chairman of the committee, Senator Kirby, should be required to table that report, which we know he has and his colleagues on the committee have in their possession, and he should be required to table it today or tomorrow or, in the extreme, Friday morning, but, in any case, before they release it, as they plan to do, to the media. That is my question of privilege.

I may say that my attention has been drawn to two motions now on the Order Paper that contain the same, in my view, offending paragraph. As I said, there was a time when, in order to obtain this authorization, the chairman of a committee came back when and as it was needed and got the authorization of the Senate. Now it has become quite routine, unfortunately, to put this authorization in the original order of reference. Therefore, we now have, in addition to the experience we are about to undergo with the Standing Senate Committee on Social Affairs, Science and Technology, a Notice of Motion on the Order Paper in the name of Senator Kolber as Chairman of the Banking Committee and another in the name of Senator Morin on behalf of the Standing Senate Committee on Social Affairs, Science and Technology again to exactly the same effect, that the committee be given permission to table the report with the Clerk of the Senate if the Senate is not sitting. We cannot continue in this way, and I will be raising objections to those motions when they come forward.

For the moment, I would ask that Her Honour rule that Senator Kirby, the chairman of the committee, must table his report when the Senate is sitting, because it is available, as we all know, and that it must be done today, tomorrow or Friday morning, but in any case before it is released to the media.

**Hon. Michael Kirby:** Honourable senators, Senator Murray has put a number of facts on the table, which I will not dispute. There is one fact that, in my view, is not correct. Let me go back to several points he made when he began.



First, as he said, if there has been a violation of a senator's privilege on the part of the committee, it was quite unintentional. Any decisions in this respect have been taken effectively by the committee as a whole, of which myself and the deputy chair, Senator LeBreton, are obviously most responsible. It was our understanding that we in fact had permission to table the report, as Senator Murray correctly quoted, when the Senate is not sitting and that this was to be the case notwithstanding usual practices.

• (1620)

I think the honourable senator has raised a valid point, one to which I will return at the end of my comments. One needs to have some clarification, through the Rules Committee I would suspect, of what the statement "notwithstanding usual practices" means in a practical sense.

It was the committee's intention to make the report and the highlights document available both electronically and in hard copy format to senators and to their Web sites the moment it is tabled with the clerk. My point of dispute with Senator Murray is with his emphasis on the statement that the report is ready. It is sometimes difficult to tell when a report is ready.

There is no question that a final version of the document in the form of some 300-odd pages exists. The document was sent to the printer last Thursday or Friday. Because of a glitch that occurred on Tuesday, we will not have any bound copies — that is to say copies in the form one would normally use when one is tabling a document — until sometime tomorrow and, quite likely, late in the day tomorrow. No member of the committee, including myself, has a bound copy.

One of the issues Senator Murray raised, and one at which the Rules Committee ought to look, is when is a report ready. Is a report considered ready when a document is sent off to a printer? In that case, then, in theory, one could duplicate 104 copies using a Xerox machine and give those copies to senators. That has never been the practice. The practice has always been to finish one's report and to get it bound in the form in which it will look when it is released. That is certainly our definition as to when a report is ready. In that sense, Senator Murray is incorrect in stating that the report is ready. I pointed out to him earlier today when we spoke on the telephone that the bound copies in English and French will not be available from the printer until sometime late tomorrow.

Honourable senators, it seems to me obvious that if the Chair rules that we have to table tomorrow and we do not have the bound copies, then we will somehow duplicate approximately 100 copies and table them. Alternatively, if the Senate wishes to sit on Friday morning, we will be more than happy to table it in the Senate before we make it public.

Senator Murray has raised a question that I think ought to be settled. On that score, he and I are on exactly the same wavelength. As I said, if there was a breach of anything, even if it was a breach of practice as opposed to a breach of privilege, then it was completely unintentional. It would be useful to have clarification from, I presume, the Rules Committee on the question surrounding this clause. As Senator Murray correctly points out, this clause seems to have crept into most proposals

coming from committees allowing them to table reports and such when the Senate is not sitting. The Rules Committee should determine if this proposal is one that should be dealt with only in exceptional circumstances before a major recess or, at the very least, give clear clarification for committees and committee members as to the intention of the current clause, if it is to remain.

Honourable senators, I really have nothing more to add other than to say that whatever happened was unintentional and to explain why we are where we are. Even if the normal time for the tabling of documents is 1:30 p.m. tomorrow, it is not clear to me that we will be in a position to table a bound document because, at this point, it looks like it will be later in the day before a reasonable number of bound copies are available.

Despite whatever ruling Her Honour may make, we at the very least ought to have a clarification of this issue so that it does not arise again. When ambiguities in the rules lead to these problems, the situation is enormously helped by having the rules clarified so that all committees, not just committee chairs, understand the rules exactly.

I will discuss this matter again with Senator LeBreton this afternoon. Our view continues to be that we have been operating consistently with what the Senate authorized us to do and, indeed, with past practices. Both Senator LeBreton and myself would be delighted to have the situation clarified, not just in this particular instance, but clarified as a policy question.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, I have great difficulty understanding how a man of experience such as Senator Kirby — and heaven only knows he has experience in administration, in government and in Parliament — could not have expected us to sit in October. Normally, a report is tabled before parliamentarians, in the Senate, and then we talk to the media. That strikes me as elementary. I do not understand how we have reached the point of finding technicalities in order to table the report at 2 p.m. tomorrow, and then to insist we sit on Friday. Really now, there have never been Friday sessions except under exceptional circumstances! Usually, the Senate sits on Tuesday, Wednesday and Thursday. If the report is ready on Thursday afternoon, after the Thursday sitting, then we will deal with it when we come back next Tuesday.

Moreover, this will provide the newspapers with material for next week. I understand that Friday and Saturday are the best news days, but in order to protect the rights of parliamentarians, it would be preferable for the senator to table his report next Tuesday.

This is the right proposal for a government that has been backed into a corner by scandal: you will hit the front pages next week for another reason! I think this is common sense. It is the people speaking. If the honourable senator did not have the experience he has, I could understand his position. However, I cannot believe such behaviour by a senator with a career in the federal government, and a knowledge of all the ins and outs! He will really have to plead his case to win me over.

[English]

**Senator Kirby:** Honourable senators, if I go back to our previous incarnations, the honourable senator and I certainly have had conflicting views on my view of process on occasions in the past.

All I can say is that the committee reached the conclusion it did based on what we understood to be perfectly acceptable and normal processes. We will await the ruling of the Chair and hope that regardless of how the Chair rules we will end up getting the broader situation clarified.

As Senator Murray pointed out, there are two or three other similar motions before the chamber. Before those are passed, we want to at least understand what the rules will be.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I hope that in considering a ruling Her Honour remembers that the authorization for this study was given by the Senate and that the obligation of the committee is to report it to the Senate first. To have it reported on a Friday morning when most senators are not here and will not be back until Tuesday means that this could be publicized in the press over the weekend. Many of us will be asked questions on the report without having the faintest idea of what is in it except what we read in the press, which may not be complete.

I think the committee has an obligation to those who mandated its terms of reference to report first to the chamber. As Senator Murray has said, the committee has done excellent work so far. There is no doubt that its last report will be as stimulating as the press has indicated and as controversial, hopefully, and that it will lead to some positive results. We want to do this together. This is a Senate report. We are all obligated to defend it, criticize it, oppose it or whatever. We must do this together. We cannot do it through press reports. The way the committee has arranged its schedule means that we will be the victims of second-hand information while we are on the front line answering questions about what our colleagues are recommending. I urge Her Honour to keep that in mind when she considers her ruling on the question of privilege.

• (1630)

**Senator Kirby:** Honourable senators, I wish to respond to one point made by Senator Lynch-Staunton. I was careful to say that I thought that the document would be available through e-mail to each individual senator at the same moment it is tabled with the Clerk. Therefore, the notion that one could be out of town and not have access to it over the weekend is simply not valid. We all have access to e-mail everywhere, and the document is available.

**Senator Lynch-Staunton:** I do not know if I am the only one, but I am not very well electronically equipped at my home in Georgeville, Quebec, and I do not think I am the only one to be so deprived. That is my deliberate choice.

**Senator Mahovlich:** My wife will not allow an e-mail access in our house!

**Hon. Anne C. Cools:** Honourable senators, it seems to me that the situation is quite clear. I do not think that Senator Kirby, in his wisdom, would ever intend to breach the Senate's privileges or to do anything inappropriate.

The situation is remarkably clear. The committee is a subgroup of the Senate, and the Senate has sent an order of reference to the committee. The first obligation that the committee has, obviously, is to the Senate. The committee owes the Senate its report.

Senator Kirby suggested that his report was, perhaps, not quite ready to be introduced in and received by the Senate. The word we keep hearing is "tabled," but it should be "presented" or "introduced" here in the Senate. Perhaps the solution to the problem is for Senator Kirby to tell us when the report could be ready, and then honourable senators would be more informed when making the decision as to how to proceed. If the report can be ready within a reasonable amount of time, to my mind, the problem will be solved.

Before I make my remarks, perhaps Senator Kirby could tell us when he could have the report ready for the Senate.

**Senator Kirby:** I answered that question earlier. I informed the Senate that the document is at the printers and I have been told that it will be back from the printers sometime tomorrow, probably later in the day.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, perhaps we would be able to find a solution to this question of privilege in a manner that would protect the privileges of all senators but at the same time be supportive to the excellent work that our standing committee has been doing on the issue of health care.

**Senator Cools:** Hear, hear!

**Senator Kinsella:** Honourable senators, the requirement under our rules is that only one copy must be tabled with the Clerk in this place. When a document or report is tabled, there is no requirement for multiple copies to be provided. Should one copy be tabled, that might solve the problem and protect the privileges of the house.

Indeed, I would go further. Should it be later tomorrow that that copy is tabled, because it could not be done during the presentation of reports from standing Senate committees, I certainly would grant leave to revert so that the chairman of that committee could table the report later in the day. Then the important plans that the committee has made for subsequent publication of information in the report might be carried out after senators have been provided with a copy of the report.

Perhaps somewhere around those lines we might find a resolution to the problem.

**Senator Cools:** Perhaps, honourable senators, the situation can be settled. Would it be possible, perhaps, for Senator Kirby to give an undertaking even now that a copy of the report would be introduced here in the chamber tomorrow afternoon? I would be happy, as would most senators, to give leave so that can be done. I understand, of course, that the honourable senator has a media



strategy but, at the same time, these obligations must be fulfilled. It would be in everyone's interest if the situation were resolved by us, by agreement, rather than to going through the very troubling business of ruling or making an order against or in favour of Senator Kirby.

I would refer honourable senators to rules 43 and 44, under which we are now proceeding. Rule 44(1) reads:

When a *prima facie* case of privilege has been established, the Senator who raised the matter may move a motion calling upon the Senate either to take action on the matter or to refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report.

I listened carefully to Senator Murray. Senator Murray did not propose a remedy; neither did he indicate to us what motion he might be planning to move or what remedy he would be proposing if Her Honour were to make a finding in his favour. That is a matter that should be before us. Senator Kirby, quite frankly, has been doing excellent work on this committee. The media, the public and all senators are eagerly awaiting his report. These discussions and deliberations here and their resolution should be conducted in a spirit to facilitate, respect and uphold the kind and quality of work that Senator Kirby has been doing. Perhaps Senator Murray could indicate his intention to us. I think the matter can be easily resolved here so that Senator Kirby's work is in no way impugned or blemished. That is very important. We owe it to our colleague Senator Kirby to treat his work and him in that regard.

**Senator Murray:** Honourable senators, I am glad to satisfy the curiosity of my friend in that respect. If it came to the point where a motion on my part were necessary, my motion would be that the Senate require the Chairman of the Standing Senate Committee on Social Affairs, Science and Technology to table volume 6 of its report, copies of which we know are in the hands of all members of the committee as we speak, and, I assume, in both official languages. If necessary, I will propose a motion to that effect. However, I was hoping that we might avoid that either by a ruling from Her Honour or, as my friend has suggested, the achievement of a consensus among those of us who are here this afternoon.

I say the report is ready. I am sure it is ready in both official languages. The chairman of the committee, Senator Kirby, says that it is not ready because it is not a bound copy. I do not believe the Senate cares about that. I think, as Senator Kinsella has suggested, we will be quite happy to see it tabled as it could be tabled, one copy, in both official languages, right now, or, indeed, at the appropriate time tomorrow.

**Senator Cools:** Honourable senators, I am quite sure that Senator Kirby does not have this document right now in his hands ready to introduce it, but I would be very interested to know whether or not Senator Kirby could not give us an undertaking that such a document could be introduced tomorrow. In that way, the matter would have been settled here.

I raise this issue because questions of privilege are supposed to be resolved by senators. This business of turning to the Speaker of the Senate for a *prima facie* ruling is a relatively new invention in this chamber. As honourable senators will remember, the Privileges Committee used to be a committee comprised of all senators. Whenever these sorts of situations arise, it is incumbent

upon us to exercise our duties as senators and resolve these questions by debate, negotiation and persuasion, rather than seek rulings from our Speaker. We also know where those rulings have been going. Quite frankly, many of those rulings have not been favourable to senators.

• (1640)

The situation is remarkably clear. The rule states, "when the Senate is not sitting," whereas it used to say something like not in session. That does not mean not on a sitting day. In other words, it does not mean that because the Senate does sit Tuesdays, Wednesdays and Thursdays, therefore, on Monday or Friday we will do it that way. We are now sitting — the Senate is now in session, which means that we are in a regular pattern of sittings. The expectation of the Senate, of course, must be that members of Parliament and senators, when they are about to introduce reports, must plan instinctively and naturally to introduce those reports on days when senators are sitting. The rule is quite clear and there is no need to refer this matter to a committee. We should be able to resolve it easily. I would urge Senator Kirby to undertake to introduce the report late at the next sitting. I would be happy to agree to leave in that case and then the whole matter would be resolved in a mature and sober-second-thought manner.

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to thank everyone for their participation in this important question of privilege. I will review the transcript of today's proceedings and I will take the matter into consideration.

## PANDEMIC OF HIV/AIDS

### INQUIRY—DEBATE ADJOURNED

**Hon. Donald H. Oliver** rose pursuant to notice of October 9, 2002:

That he will call the attention of the Senate to the pandemic of AIDS-HIV which is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day, and the role that the Government of Canada could play in fighting the disease which is destroying much of the emerging third world.

He said: Honourable senators, as we begin our fall session, this is an ideal time to focus our attention on the terrible tragedy that is currently ravaging the people of Africa. While I will speak today particularly of the effect of AIDS in Africa, we must not forget that the tragedy of the rapid spread of the HIV/AIDS virus now threatens the people of China, India, Indonesia and many countries in South America. It is difficult to put the matter in a context that is easily understood, but I will try.

Little more than one year ago, just under 3,000 people met their deaths in the terrorist attacks in New York. That many people dying in a single day, in one city and so close to us has printed an indelible picture in our minds. To put this in context of deaths from AIDS, one must double the death toll in New York that day: Yes, AIDS kills approximately 6,000 Africans each day. Imagine, if you will, twice the New York death toll every day. If we add the deaths from the other countries — India, China and South America — the total is 8,000 deaths daily. As a concrete example, nearly one half of the adults in Botswana, South Africa, have HIV, which means that this pandemic is gouging out one or more

generations of people from the country's heart. In the near future, eight out of ten adults will be dead. Imagine a country with no adults — no parents, no teachers and no spiritual leaders. Imagine a country lead only by children looking for guidance with no one to hear their cries.

Again, in an effort to put this in context, Stephen Lewis, our former Ambassador to the United Nations, now the UN Secretary-General's Special Envoy for AIDS in Africa, has said:

There has never been anything like the HIV/AIDS pandemic. Comparisons with the Black Death of the fourteenth century are wishful thinking. When AIDS has run its course — if it ever runs its course — it will be seen as an annihilating scourge that dwarfs everything that has gone before it. By 2020, the number of AIDS-related deaths in Africa will have approximated the total number of deaths, military and civilian, in World Wars I and II combined.

The facts are chilling and virtually mind-numbing. In Western countries, an estimated 1.5 million people live with AIDS, many of them productively as a result of available antiretroviral drugs. In Africa, those with AIDS die in unheard of numbers. In recent years, the Malawi secondary school system has lost over 8,000 teachers due to AIDS-related deaths and long-term absences. Again, imagine our education and intellectual leaders taken from us with no hope of their return. Imagine the setback intellectually and economically from this disease.

In Botswana and Mozambique, life expectancy has fallen to just 27 years, directly as a result of deaths from AIDS. The situation in Botswana is so serious that Botswana health official Banu Khan issued a statement stating that her country's people will face extinction if the epidemic is not turned around.

It is a disease that particularly attacks the young and especially women. In Africa, one could argue that it is a gender-based disease. Approximately 8.6 million people between the ages of 15 and 24 years live with AIDS in sub-Saharan Africa. Sixty-seven per cent, or 5.7 million souls, are women and girls. In the same area of Africa, an estimated 11 million children have lost one or more or both parents to AIDS, a figure that will grow to 20 million children in eight years. It is a society where mothers die before seeing their children start school; a society where relatives cope with children who are not their own; a society where children are raised by those who are not their parents.

One of the greatest challenges in dealing with this disease is that the largest proportion of victims is women. Due to the inequality of women in some African societies, they have the greatest number of infections and receive the least amount of care. In the near future, women will constitute 67 per cent of those suffering from HIV/AIDS. This disease is entrenched in the inequality between the sexes in Africa.

Stephen Lewis has spoken out on the issue of mothers who are victims of AIDS. In a speech given to an African religious leaders assembly on children and HIV/AIDS in Nairobi on June 10, 2002, he said:

I have never in my adult life witnessed such a blunt assault on basic human morality. In my soul, I honestly believe that an unthinking strain of subterraneous racism is the only way to explain the moral default of the developed

world in refusing to provide the resources which could have saved the mothers of Africa.

In fact, he called on those religious leaders to act by saying, "There is no greater moral calling on this continent today than to vanquish the pandemic of AIDS."

In a media briefing at the UN in July of this year, Mr. Lewis again returned to his gender-inequality theme when he said:

The toll on women and girls is beyond human imagining; it presents Africa and the world with a practical and moral challenge which places gender at the centre of the human condition.

Because the greatest number of AIDS victims is women, it means that babies are being born with HIV. Almost 50 per cent of women attending ante natal clinics in urban and rural Africa suffer from AIDS.

The greatest need to fight this disease is a serious commitment by the developed nations of the world to cash resources in significant sums. It will cost money to cure and to tend to the sick and dying in Africa. Money is needed not only for drugs but also for education, for treatment clinics to ease the suffering of millions of victims and to provide for children left as orphans, as this scourge wipes out sets of parents on an unimagined scale.

The developed world, including Canada, found the necessary money after 9/11 to fight terrorism in distant parts of the world. It is now time for us to find the money to fight this disease.

• (1650)

Five countries — Norway, Sweden, Denmark, Holland and Luxembourg — have lived up to their 1989 commitments of .7 per cent of GNP to be targeted for foreign aid. If the G8 countries lived up to this commitment, there would be an additional \$100 billion annually. This, in the opinion of Stephen Lewis, would turn the epidemic around.

What is Canada's official development assistance for 1999-2000? It was .29 per cent of GNP, down from .49 per cent in 1991-1992 under the previous Conservative government. Prime Minister Chrétien has said he would increase Canada's overseas development aid by 8 per cent per year until the amount presently committed doubled in the year 2008, but this is too little. This commitment only brings us back to the 1985 levels.

The world's richest nations, including Canada, in response to Secretary-General Kofi Annan's request for \$10 billion annually, have pledged just \$2.3 billion over three years. At this point, I think we must ask ourselves two basic questions: Are we prepared to act as our black brothers and sisters' keepers and healers? If we are, are we ready to put the kind of effort and resources into this matter that will reap significant and identifiable results? My answer to both questions — and I would hope the answer of all honourable senators — would be an unequivocal yes.

If we are to make these commitments, then what should we do? It has been suggested that the formula used to calculate UN member country payments be used to calculate payments to the global fund to fight AIDS. Adopting such an approach by the countries of the world would bring hope to the entire African continent. It would also mean that sufficient money would be



available to fight AIDS in India, China, Indonesia and South America.

Canada is uniquely placed to play a role in this fight. We are world leaders in the development of drugs designed to fight HIV/AIDS. We have a government looking for a positive role to play in the world stage. We have credibility in Africa arising out of the work of the Right Honourable Brian Mulroney as Prime Minister and the Right Honourable Joe Clark as foreign minister as we led the world's fight against apartheid. In fact, CIDA issued a policy statement last month entitled "Strengthening Aid and Effectiveness" arising out of the G8 Summit held in Kananaskis at the beginning of this summer. It dealt with the Canada Fund for Africa which totals \$550 million to be given over three years, but it also stated that Canada would allocate \$6 billion of new and existing resources over five years to Africa's development.

This is the degree of commitment, which, if followed through by this government, should have a significant impact on other developed countries, especially the United States, to increase their aid to Africa.

Let us not be overly concerned about the governance aspects of the countries to which the aid is to be given. Let us commit this money to fight AIDS, because if we do not win that fight, there will not be enough people left in Africa for us to worry about their form of government, or anything else for that matter.

We, as Canadians, cannot stand by and witness the populations of entire countries in the African continent wiped out by AIDS. We cannot stand by and watch generations of people dying, leaving children as orphans throughout an entire country. If we do not act with decisiveness now, there will be no future leaders of Africa. They will all have succumbed to this dreaded disease.

I believe the Senate has a unique role to play in bringing the attention of this government and, indeed, all Canadians to this pandemic which is sweeping through Africa, China, India, Indonesia and many countries in South America. I want to set out for honourable senators a five-point plan in which Canada could take the lead as we try to rally the Western world to take up the fight against HIV/AIDS and defeat it.

First, we must commit serious financial resources to this cause. CIDA, in its most recent statement, speaks of \$6 billion over five years. Is this enough? It must not be spread among various causes. It must go directly to fight AIDS.

Second, Canada must use its position as a leading participant, as a leading trade nation in the world, to ensure that the WTO moves in the direction that will encourage generic drug manufacturers to export the vital drugs to Africa so that they will be available to those who are suffering and at the lowest cost possible.

Third, if the UN and Stephen Lewis have a role to play in the fight against AIDS, let them concentrate on ensuring that the proper medicine gets directly to those who need it the most. We should not stand by while shipments of medicine are confiscated

and sold on the black market. Canada should use its position of influence in the United Nations to ensure that drugs sent to Africa reach those most in need of them.

Fourth, Canada should do all it can to encourage those with medical skills who wish to help in Africa to be able to do so. This would include organizations such as Doctors Without Borders and other humanitarian organizations that wish to help fight AIDS by taking their skills to that continent.

Fifth, AIDS is a gender-based disease. Its main victims are women. It is also a disease spread through ignorance. Canada should take up the cause of gender equality in Africa at every opportunity and with every human rights organization that may have influence in Africa. At every international forum, Canada must support the women of Africa on this subject.

We have an opportunity to show leadership on the world stage, leadership that would bring hope and healing to millions of our fellow human beings. Let us not back away from this opportunity. I look forward to the interventions of other fellow senators on this important topic.

**Hon. Joan Fraser:** Honourable senators, would the Honourable Senator Oliver accept a question?

**Senator Oliver:** Yes.

**Senator Fraser:** I would thank the honourable senator for that extraordinary statement, and, in particular, for drawing attention to the gender element of this crisis.

I would suggest, however, that \$100 billion is not a sum of money that can be available quickly, although we all agree that it should be. In fact, we can be sure that it will not be available because a large part of it would come from the United States. Given the United States' attitude these days toward any aid program that might involve birth control, I think we have a realistic and practical difficulty in this regard.

In the honourable senator's action plan, which is compelling on the face of it, with the money we can muster starting here at home, what should be this country's first priority? I am torn because there are so many victims. The honourable senator talked of 20 million children being orphaned in eight years; is that correct?

**Senator Oliver:** Yes.

**Senator Fraser:** That is an unbelievable number of orphans, many of whom will have AIDS themselves. All these women are victims of ignorance and ancient culture, and it is very difficult to change that. We may concentrate on curing or treating those who are ill now or on looking after orphans, but what can we do to prevent more victims? Where should we put the money now?

If the honourable senator had to choose two things to do with the few dollars that we have, what would they be?

**The Hon. the Speaker *pro tempore*:** I regret to inform the honourable senator that his time for speaking has expired.

Is he asking for leave to continue?

**Senator Oliver:** Yes.

**The Hon. the Speaker *pro tempore*:** Is leave granted?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am prepared to grant leave for the honourable senator to reply to the question asked.

[English]

**Senator Oliver:** I thank the Honourable Senator Fraser for her most interesting question. She will recall that three or four weeks ago she and I had dinner with Sergio Marchi, during the course of which we discussed the role of the WTO in getting medical drugs to the people of Africa. It is a major problem. I would like to see Canada begin by taking the diplomatic and trade steps to ensure that the drugs that Canada manufactures reach the women and children in Africa who most need them. I would like to see that as the first step, because millions of dollars worth of these drugs, is being confiscated and sold on the black markets of other countries. It is not reaching the people who need it most.

• (1700)

Second, I would like to see a major program of education. Canada can be a leader in education, by giving training through videos, the Internet and other tools to those who need it most, perhaps to the men of Africa. Those would be the two areas where Canada could start and play a leading role.

On motion of Senator Oliver, for Senator Jaffer, debate adjourned.

## BANKING, TRADE AND COMMERCE

### COMMITTEE AUTHORIZED TO CONTINUE STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

**Hon. E. Leo Kolber,** pursuant to notice of October 10, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-seventh Parliament and any other relevant Parliamentary papers

and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than June 19, 2003.

**Hon. Lowell Murray:** Honourable senators, I think the Senate and my honourable friend Senator Kolber know from the discussion we had earlier on the question of privilege that I object to paragraph 4 of this motion. That is the paragraph that would authorize the committee to deposit an interim report with the Clerk of the Senate if the Senate is not sitting, and the said report shall then be deemed to have been tabled in the chamber. I need not, nor will I, repeat the reasons I object to this paragraph. I believe that when it is necessary for a committee to have that authorization, it should be done as a separate motion, with explanation of why they need the authorization. My experience in this place over many years has been that the Senate would not, under any reasonable scenario, refuse that permission. However, the blanket authorization sought creates a problem for me. I think I am safe to say that honourable senators on this side would wish to debate this motion, to amend the motion to remove paragraph 4, and to divide on the issue if it came to that.

I am suggesting that my friend Senator Kolber might seek leave to have paragraph 4 excised from the motion and the rest of the motion, as far as I am concerned, could pass immediately and without debate.

**Senator Kolber:** Honourable senators, I move that we excise paragraph 4, which states "That, notwithstanding usual practice," et cetera, and that the rest of the motion remain the same.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion, as amended?

**Hon. Senators:** Agreed.

Motion agreed to, as amended.

The Senate adjourned until Thursday, October 24, 2002, at 1:30 p.m.



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CANADA

# Debates of the Senate

2nd SESSION

•

37th PARLIAMENT

•

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OFFICIAL REPORT  
(HANSARD)

Thursday, October 24, 2002

THE HONOURABLE LUCIE PÉPIN  
SPEAKER *PRO TEMPORE*

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## THE SENATE

Thursday, October 24, 2002

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

### QUESTION OF PRIVILEGE

#### SPEAKER'S RULING

**The Speaker pro tempore:** Honourable Senators, yesterday, October 23, Senator Murray rose on a question of privilege to object to the announced intention of the Social Affairs, Science and Technology Committee to deposit a report with the Clerk of the Senate this Friday. Despite an admitted authorization from the Senate granting the committee this power, Senator Murray argued that this was not the intent of this authorization and that the report ought to be tabled as soon as possible while the Senate is sitting since, as he put it, the report "is ready."

[English]

By way of reply, Senator Kirby, Chair of the Social Affairs Committee, expressed sympathy with Senator Murray's position. He went on to explain, however, that the 300-page report is with the printer and that bound copies, sufficient for distribution, will be ready Thursday; that is, today.

Despite the circumstances of this case, Senator Kirby suggested that the practice of tabling reports with the clerk should be studied by the Standing Committee on Rules, Procedures and the Rights of Parliament so that any ambiguities with respect to it could be clarified.

[Translation]

Several other senators made comments on the merits of the alleged question of privilege. Senator Bolduc explained that a report is normally seen by senators first and that, in this instance, since the report may not be ready before Thursday afternoon after the Senate rises, it should not be released until the Senate next sits, likely next Tuesday. Senator Lynch-Staunton, the Leader of the Opposition, echoed this view. As he put it: "I think the committee has an obligation to those who mandated the terms of reference to report first to the Chamber." This position was also supported by Senator Cools, who proposed, like Senator Kinsella afterwards, that the matter be resolved by allowing Senator Kirby to table one copy of the report when it is available before the end of the sitting today, Thursday.

At the conclusion of these exchanges, I agreed to take the matter under advisement. Given the pressing nature of the situation, it would be inappropriate to defer a decision on the *prima facie* merits of this question of privilege. Accordingly, I am prepared to rule now.

Honourable senators, I think it is only right to inform you that I was a member of the Social Affairs, Science and Technology Committee during the last session and I was just reappointed to it for this session, until I resigned yesterday.

Rule 43 of the *Rules of the Senate* states that a question of privilege must involve "a matter directly concerning the privileges of the Senate, of any committee, or any Senator." In addition, it must "be raised to correct a grave and serious breach." Do these criteria apply in this case? Senator Murray has acknowledged that the Senate itself did confer on the Social Affairs Committee the authority, notwithstanding usual practices, to deposit any report with the Clerk if the Senate is not then sitting. This permission was granted less than two weeks ago, on October 8. The senator maintains that it was only intended to apply when the Senate was facing a prolonged adjournment. However, there is nothing in the motion to explain the circumstances or qualifications by which this permission is to be exercised. In addition, there are recent precedents to suggest that a prolonged adjournment is not a necessary requisite or precondition. The most relevant of these precedents occurred on April 18 this year and it involved the Social Affairs Committee. As recorded in the *Journals of the Senate* that day, at page 1425, Senator Kirby moved the consideration of the seventeenth report of the Committee which "he had deposited with the Clerk earlier today." Although Senator Murray commented on the event at the time, no objection was raised. A similar incident occurred the previous month. This one involved a report of the National Security and Defence Committee. A complaint was made, though not as a point of order, about the fact that the media had knowledge about a report that had been deposited with the Clerk before members of the Senate.

[English]

Honourable senators, aside from these precedents, there is another more fundamental reason to find that there is no *prima facie* question of privilege. To be valid, a question of privilege or contempt must involve, as I have already explained, a grave or serious breach of our parliamentary practice. It has been argued that senators are entitled to receive the report of one of its committees first. Normally, this is true. It is admitted in the standard parliamentary authorities that the premature release of a committee report can constitute a question of privilege or a contempt. In this case, the Senate, exercising its undoubted privilege of governing its own internal proceedings, has waived this right, or at least qualified it, by granting permission to the committee to deposit any report with the clerk. The Senate cannot now pretend that the exercise of this permission is a breach of the privileges of the Senate. To think that it can is to contend that one privilege can trump another. The Senate has given licence to a committee to deposit its reports with the clerk whenever the Senate is not sitting. This permission was granted without qualification. Under these circumstances, I find that there can be no *prima facie* question of privilege, and I so rule.

• (1340)

## SENATORS' STATEMENTS

### LITERACY ACTION DAY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, today is Literacy Action Day — a time to remind parliamentarians and all Canadians that not all adults in our nation have the literacy skills that most of us take for granted. In fact, over 20 per cent of our adults — approximately 10 million people — lack basic literacy skills, thus preventing them from engaging in any number of commonplace activities.

The scope of literacy has steadily widened over the years. In our society today, these needs have evolved and literacy is now recognized as a universal human right. UNESCO, in the 1950s, interpreted literacy as being the ability required to use print to function in everyday life. In 1959, the United Nations Declaration on the Rights of the Child included principle 7, which states that the child is entitled to receive free and compulsory education in the elementary stages.

I am certain that all honourable senators would agree when I say that the abilities to read, to write and to communicate have been fundamental elements of our lives that have led directly to our ability to be productive members of society. The literacy action movement stated the following:

Literacy is not just for understanding but also for thinking critically and responding. To participate fully in civic life, citizens must have the skills necessary to access and act upon information. Literacy is more than just a tool. It is a necessity for citizenship.

**Hon. Joyce Fairbairn:** Honourable senators, I wish to echo the spirit of Senator Kinsella's comments today. An army of 75 literacy activists from across the country is marching on Parliament Hill to try to educate and promote their cause in visits to approximately 100 members of the House of Commons, the Senate and their staffs. This is the ninth annual Literacy Action Day organized by the Movement for Canadian Literacy, MCL, and the Fédération canadienne pour l'alphabétisation en français. The activists are bringing the message from the grassroots of this nation, that over 40 per cent of Canada's adult citizens have difficulty, every day of their lives, doing routine tasks, which we all take for granted, because of inadequate reading, writing and numeracy skills. They are talking about some 8 million Canadians who are unable to fully participate in and contribute to our national life. This is simply unacceptable in the year 2002, in what we wish to think of as a prosperous and caring country.

We do not hear much about literacy in these hallowed halls, and so the movement is bringing the message to us directly. I thank all honourable senators who have participated with these people in support and in understanding. They have told us that a literate population helps our towns and strengthens our cities, which goes to the very heart of the future of our children and of our nation.

This is not about special treatment; this is not about privilege. It is about access to learning and literacy as a right and a responsibility of citizenship for every individual in this country, whatever their age or circumstance. It is the foundation of everything we do throughout each day of our lives.

Honourable senators, I urge you to take these messages to heart. Help us to succeed with this national effort.

**Hon. Ethel Cochrane:** Honourable senators, I too rise today in recognition of Literacy Action Day on Parliament Hill. Increasingly, literacy skills are attracting media attention in this country. Consider, for instance, that in the last month we have read headlines, such as: "New grads will not have to read," and "Nova Scotia set to allow illiterate graduates." Blessed be to God.

Recently, we have also learned that 25 per cent of Ontario high school students failed a basic literacy test. That is more than 32,000 students who have inadequate reading and writing skills.

Clearly, these stories indicate a serious problem that extends well beyond a provincial boundary. Make no mistake about it: This is not a provincial problem. It is a national problem that requires national resources and that requires all of our attention to come to solutions. The good news is that these solutions are within our grasp. What better vehicle to use to emphasize the importance of literacy than the federal innovation agenda? After all, without a population that can read and write, and seek and understand information, there will be no innovations. Last year, I spoke on this occasion and said that we must put literacy on the political agenda. One year later, it seems that little has been accomplished on this front.

Honourable senators, it is crucial that we develop a national strategy for literacy. We must ensure that literacy and essential life skills are policy goals of the federal government. The problem has been clearly identified, and now we must dedicate greater resources and funding to implement the solutions. It is time for Human Resources and Development Canada to re-evaluate literacy as a top priority and to expand upon its allocated resources. I humbly suggest that increasing the funding and broadening the mandate of the National Literacy Secretariat will serve as a good starting point.

Honourable senators, our literacy skills are like muscles: If we do not use them, they will continue to weaken until finally we lose them. We need to create a culture that makes literacy a priority by promoting lifelong learning and constant upgrading, regardless of current literacy levels. We need to make literacy a national priority and a lifelong goal of every Canadian.

[Translation]

### PHILATELY MONTH

**Hon. Jean Lapointe:** Honourable senators, it brings me great pleasure to point out to the chamber that October is stamp collecting month. As a stamp collector since the age of eight, and member, for many years now, of the Stamp Advisory Committee of Canada Post, I would like to suggest to those who have never known the pleasures of this marvellous hobby, that they try it at least once in their life.



Some of my greatest joys have been the discovery of a stamp with an anomaly, or the opportunity of purchasing a stamp collection at a great price, and all sorts of adventures, each one greater than the next, not to mention the hours of recreation.

• (1350)

You are all aware of my chronic allergy to wasting time; therefore I will be brief.

Senator Sparrow, in his brilliant and dynamic speech on the report of the Standing Senate Committee on Privileges, Standing Rules and Rights of Parliament to reduce the time for tributes, mentioned famous senators who have made an important contribution to our country, and said that they deserved a tribute.

It is true that many senators have been great Canadians, devoted to the cause of their country. Today, I would like to make the following recommendation to Senator Sparrow, who has criticized me for being frequently conspicuous by my absence and who actually is not here himself today: draw up a list of the most important senators in history and request that Canada Post issue a series of stamps entitled "Eminent Senators." I would be very pleased to support this request, on the condition that we respect the time allocated for tributes as suggested by the committee.

Some of you think of me as a "timbré," but I want you to know that I am one who is happy to be here!

[English]

I should mention that the word "timbré" that I have used in my short speech has a double meaning in French. It can be either a "stamp nut" or a "nut," period. I am both.

### LITERACY ACTION DAY

**Hon. Consiglio Di Nino:** Honourable senators, I would like to make a few comments about literacy.

As we know, since 1993 representatives from various literacy groups have come to Ottawa for Literacy Action Day, which provides parliamentarians with an opportunity to discuss Canada's literacy problems with those who work daily to improve them. Literacy skills play a vital part in our everyday lives, impacting upon health, social interactions and economic situations.

The influence of literacy on our economy is something of which to especially take note. Although people tend to think of it as an obvious relationship, it is important to always be mindful of our literacy skills and how they contribute to the stability and competitiveness of Canada's economy. There is a direct correlation between literacy and personal economic well-being. Canadians with low literacy skills are more likely to be unemployed or to have lower incomes. A recent study by Statistics Canada revealed that each additional year of education a person obtains is worth over 8 per cent of their pay cheque. The impact of literacy upon economic position is no less important if we consider how it affects the country as a whole.

Only 10 per cent of Canadians believe low literacy skills to be part of our country's economic problem. This perception contradicts the truth, as was illustrated in 1997 by a report from the Organization of Economic Co-operation and Development that warned that Canada's future economic

competitiveness depended upon raising our literacy and learning skills, especially in the workplace, where we use our literacy skills the most. In the years since that report, we have worked hard as a country to promote lifelong learning and ongoing job training. The aging of our labour force, combined with the high number of jobs that will require at least 16 years of education in the future, demonstrates the fact that we will have to be vigilant in our encouragement of continuous learning.

Literacy Action Day affords the opportunity to keep public emphasis on all of the consequences of literacy problems in our country.

Honourable senators, I would like to salute Senator Fairbairn for her commitment to this cause and, as well, the literacy group represented here today, some of whom I believe are in the gallery, and all literacy workers across Canada for their continuing efforts.

**Hon. Bill Rompkey:** Honourable senators, I want to add my voice to Senator Di Nino's and to the voices of the other honourable senators who spoke on the issue of literacy, as well as concur in his congratulations to Senator Fairbairn. You heard Senator Kinsella, Senator Cochrane, Senator Fairbairn and Senator Di Nino clearly describe the literacy situation in Canada.

I had a visit this morning from an Aboriginal group from Conne River, Newfoundland. The situation among Aboriginals is far worse than in the population at large. We have to focus on that and see to it that while we attack literacy, to which we have not even been providing adequate lip service, we must make a special effort to see that funds are there for Aboriginal people. In my riding is a nickel mine on the border of land claims by two sets of Aboriginal people. Of course, if they do not have the education, they will not get the jobs the mine offers. There is a direct correlation between literacy and employment. We who want to have an input in the next budget must see that sufficient funds are made available in the country for literacy, particularly among Aboriginal people.

### THE LATE YOUSUF KARSH, C.C., O.C.

#### TRIBUTE

**Hon. Raymond C. Setlakwe:** Honourable senators, several weeks ago a memorial service for Yousuf Karsh was held in Notre Dame Basilica. Much has been said about the tremendous talents of this great portrait artist, whose achievements, spanning the last six decades of the 20th century, have made him the most celebrated photographer of his time.

He was brought here from Mardin in Turkish Armenia by his uncle George Nakash, a notable photographer in his own right. He had a studio in Sherbrooke, Quebec, where Yousuf apprenticed. His uncle encouraged him to study in Boston with Garo, a well-known artist of his time. He subsequently chose, wisely, to set up his own studio in Ottawa and henceforth the names of Karsh and Ottawa became synonymous. The renown that Yousuf Karsh's work reflected on his adopted country and the city of Ottawa was, in time, recognized and appreciated by both. He was made a Companion of the Order of Canada and given the keys to the City of Ottawa. His great work is now the property of the National Archives of Canada, and a special section in the new Portrait Gallery of Canada will be devoted to him.

As Dr. Lilly Koltun, the director of the new Portrait Gallery of Canada, put it during the memorial service:

When we look at a Karsh portrait, we feel enlarged, a part of something more meaningful about humanity, about ourselves. He appeals to the best in us, not just in his sitters.

That unique feeling of great nobility that he engendered in us and the many moments of elusive truth that he uncovered will fill their place in the Portrait Gallery of Canada, alongside the other extraordinary portraits of the past 500 years that Canada's history has produced. Surely this is the most fitting tribute we can pay to Yousuf Karsh. As he has immortalized so many, his portraits will remain to grace his memory forever, reminding us of the sweeping continuum of history which was his unending joy to pursue and capture, and to offer it as a gift to all of Canada's and the world's future generations.

#### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I should like to draw your attention to the presence in the gallery of our former colleague the Honourable Lois Wilson.

**Hon. Senators:** Hear, hear!

[Translation]

On behalf of all honourable senators, I welcome you to the Senate.

• (1400)

[English]

#### ROUTINE PROCEEDINGS

##### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

##### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Tommy Banks:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

##### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

##### BUDGET—STUDY ON STATE OF HEALTH CARE SYSTEM—REPORT OF COMMITTEE PRESENTED

**Hon. Marjory LeBreton,** Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

[ Senator Setlakwe ]

Thursday, October 24, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 8, 2002, to examine and report upon the state of the health care system in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MARJORY LEBRETON  
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 99.)

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator LeBreton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

##### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

##### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Lise Bacon:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to present the second report of the Senate Standing Committee on Internal Economy, Budgets and Administration, concerning the expenditures of the committee during the first session of the 37th Parliament.

(For text of report, see today's Journals of the Senate.)

##### THIRD REPORT OF COMMITTEE PRESENTED

**Hon. Lise Bacon,** Chair of the Standing Committee of Internal Economy, Budgets and Administration, presented the following report:



Thursday, October 24, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

### THIRD REPORT

Your Committee recommends that an increase of 2.3 per cent to the salary ranges of the Senate senior management employees (Senior Executive Group level 1-3 and Middle Management Group level 2) be awarded effective April 1, 2002.

Respectfully submitted,

LISE BACON  
*Chair*

**The Hon. The Speaker pro tempore:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

### BANKING, TRADE AND COMMERCE

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. E. Leo Kolber:** Honourable senators, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, with deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

### TAX CONVENTIONS IMPLEMENTATION BILL, 2002

#### REPORT OF COMMITTEE

**Hon. E. Leo Kolber,** Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, October 24, 2002

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

### SECOND REPORT

Your Committee, to which was referred Bill S-2, An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties, has, in obedience to the Order of Reference of Wednesday, October 23, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER  
*Chairman*

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

### BUSINESS OF THE SENATE

#### ADJOURNMENT

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I seek leave of the Senate to return to Government Notices of Motions after Orders of the Day, Inquiries and Motions, in order to discuss the adjournment motion.

**Hon. Lowell Murray:** Honourable senators, with all due respect, I withhold consent on this motion.

**The Hon. the Speaker pro tempore:** Leave is not granted.

[English]

### ABORIGINAL PEOPLES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

**Hon. Thelma J. Chalifoux:** Honourable senators, I give notice that on Tuesday next, October 29, 2002, I will move:

That the Standing Senate Committee on Aboriginal Peoples, pursuant to the input it has received from urban Aboriginal people and organizations, be authorized to examine and report upon issues affecting urban Aboriginal youth in Canada. In particular, the Committee shall be authorized to examine access, provision and delivery of services; policy and jurisdictional issues; employment and education; access to economic opportunities; youth participation and empowerment; and other related matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 27, 2003.

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. E. Leo Kolber:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
PERMIT ELECTRONIC COVERAGE

**Hon. E. Leo Kolber:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

THE SENATE

AMENDMENT TO AUTHORIZE SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY COMMITTEE TO STUDY  
ACCESS OF HARD-OF-HEARING PEOPLE TO  
TELEVISION PROGRAMS—NOTICE OF MOTION

**Hon. Jean-Robert Gauthier:** Honourable senators, on October 9, when I tabled Notice of Motion No. 11, the Committee of Selection had not reported back and, as a result, I did not specify the name of the committee to which I wanted my motion referred. I seek leave to amend Notice of Motion No. 11, to include reference to the Standing Senate Committee on Social Affairs, Science and Technology.

**The Honourable the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

• (1410)

[English]

QUESTION PERIOD

PRIVY COUNCIL OFFICE

RECRUITMENT OF INTELLIGENCE ANALYSTS

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate, who, I report, is in good cheer and smiling.

It is pretty clear, honourable senators, that someone, somewhere along the line, dropped the ball in the Privy Council Office in the briefing to the Prime Minister, prior to his trip to the Francophonie Conference in Lebanon. This is a product of this government's aversion to national and international security matters.

In the past two months or so, the Privy Council Office, through the Public Service Commission Web site, has advertised for a

senior intelligence analyst, Middle East and Africa, and an intelligence analyst, Middle East and Africa. Thus, no one should be too surprised that this government does not seem to know that there is a group called Hezbollah, let alone who its leader is, because the government appears to have done next to nothing to beef up its own intelligence community, even though it is now in excess of one year since September 11.

Could I ask the Leader of the Government if this is true?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I wish to thank the honourable senator for his question.

I always smile at you, Senator Forrestall. There is nothing new with that.

**Senator Forrestall:** You have scowled on one occasion.

**Senator Carstairs:** As to Senator Forrestall's specific question in regards to Hezbollah, of course the Government of Canada is aware of Hezbollah. The Government of Canada, along with the United Kingdom, listed the external security organization of Hezbollah as a terrorist wing. There is no question about that. Canada has knowledge of who they are.

As to the question with respect to whether PCO is hiring, there is always hiring going on in PCO. That is nothing new. If you went through the Web site, you would see a list on practically every job aspect.

Let me be clear on the record that there are experts in Foreign Affairs to whom PCO, PMO, members of cabinet and even members of the opposition can go to if they wish to seek information.

**Senator Forrestall:** I find that situation of passing interest.

FOREIGN AFFAIRS

FRANCOPHONIE CONFERENCE, 2002—  
ATTENDANCE OF LEADER OF HEZBOLLAH

**Hon. J. Michael Forrestall:** Honourable senators, we are in the middle of a war on terror, admittedly a different kind of war, but it is one. There have been new terror attacks, they seem to be on the rise, and there have warnings that al-Qaeda has reconstituted itself, is once again in an attack mode and is likely undertaking, in conjunction with Hezbollah, the planning of something terrifying in nature.

Could the minister confirm that the government has been advertising for a senior intelligence analyst and an intelligence analyst? It takes a long time to recruit people with this particular type of training. I am curious as to why it has been only recently that we have got around to beefing up this side of our capacity to understand and to be aware of what is going on.

The government is looking for an analyst to tell the government what they could do or should be doing regarding softwood lumber, some three years after that horse was out of the barn. The RCMP is looking to beef up its analysis in these sections.

Why did we wait so long? How could we possibly send our Prime Minister to Lebanon as apparently ill-briefed as he was? How could that have happened?



**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to begin with, I reject the attitude that the Prime Minister was ill-briefed. I think he was well-briefed on his trip to Lebanon. Clearly, in his remarks to the conference, he had the knowledge and the expertise with respect to that particular file.

As to whether the Prime Minister knew everyone in the room, I believe it would be impossible for any leader of a country to know everyone who was sitting in a room on any given day at any given event. That is an impossible expectation to place on the Prime Minister.

As to hiring with respect to the Privy Council Office, hiring is ongoing. When people leave, they are replaced.

**Senator Forrestall:** Honourable senators, the minister apparently missed my point. That is not her fault; it is probably mine.

As a final supplementary question, if the Prime Minister is to be well briefed, he should be aware of who is in the room, not necessarily everyone in the room, but those of whom he should be made aware. Could someone have sent him a note and told him?

**Senator Carstairs:** Well, one could ask the question, "Why was the ambassador from the United States not told who he was sitting next to? He apparently did not know who he was sitting next to either. The point is that this man was not on the official list of invitees of the organization. He was there, apparently, at the request of the President of Lebanon, who was the host of the conference.

It is not unusual that the host of a particular country might have a select group of invitees that he or she may invite to a particular conference, but they are not conference participants in the general sense of the word.

**Hon. David Tkachuk:** Honourable senators, the issue regarding the ambassador has been raised again, and this is the second time the minister has raised this point. The U.S. State Department said that he was not sitting next to the head of Hezbollah. If the senator has a picture, it should be tabled here so we can inform the State Department that it was wrong.

What happened was, a picture of the meeting was flashed on the screen showing him in attendance. The Prime Minister was not aware of his identity, not only at the beginning of the meeting, but some nine hours later, according to the news reports. No one had briefed him. This individual is not just head of the "good wing" of the Hezbollah, as the Liberal government would have us believe, but of the entire Hezbollah, which includes the terrorist organization, as well as the fundraising groups that this government allows to raise funds for in this country.

I agree with Senator Forrestall that it is shocking that the Prime Minister, when questioned, said he did not know him. What kind of security briefing was he given then?

**Senator Carstairs:** To answer the honourable senator's question, the Prime Minister was given the security briefing that was considered necessary in order to attend a meeting of this magnitude. He did attend that security briefing. He did get briefed on the files that were necessary for him to be briefed on. He represented us, as he always does, with a great deal of class, ability and competence.

**Senator Tkachuk:** Honourable senators, the Prime Minister may have been briefed. He either was not briefed on this particular organization or who was in attendance or, if he was briefed, he did not understand any of it. In either case, we have a serious problem here.

I have a follow-up supplementary question. What are the names of the other wings or branches of the Hezbollah? If the Prime Minister does not understand what Hezbollah is and does not know the name of the head of Hezbollah, could the government inform us of the names of the other organizations that are allowed to operate in this country?

• (1420)

**Senator Carstairs:** Honourable senators, I take great exception to the honourable senator indicating that the Prime Minister does not know what Hezbollah is.

**Senator Tkachuk:** Those are his words, not mine!

**Senator Carstairs:** Quite frankly, Canada listed the Hezbollah External Security Organization, which is the military terrorist wing of Hezbollah, on November 7, 2001, under Canada's UN suppression of terrorism regulations. Clearly, that matter went through the appropriate procedures. Clearly, all cabinet ministers, including the Prime Minister, are well informed as to the particular organization that was placed by Canada under our UN suppression of terrorism regulations.

**Senator Tkachuk:** Honourable senators, I have another follow-up question because the minister did not answer my question. It is somewhat like saying, "Who is Donovan Bailey?"

My question, to which I did not get an answer, is this: What are the names of the other wings or branches of Hezbollah that are allowed to operate in Canada and raise funds in Canada? In the previous line of questioning, the minister responded that there are two other branches, besides the military wing, that bomb and kill people. What are the names of the two organizations supposedly doing good works and raising money in this country?

**Senator Carstairs:** Honourable senators, the Government of Canada has taken a clear and honourable position, with which the opposition does not concur, but one in which we can take great pride.

**Senator Tkachuk:** What are their names?

**Senator Carstairs:** There is an organization called the External Security Organization that Hezbollah has formed and that the Government of Canada has listed as a terrorist wing under our United Nations commitments.

**Senator Tkachuk:** The killing wing.

**Senator Carstairs:** We did that in November of 2001. We have continued to allow other aspects of Hezbollah to function. I can tell the honourable senator, for example, that the IRA, which many regard as a terrorist organization, is also a legitimate political party in Northern Ireland.

**Senator Tkachuk:** No, it is not.

**Senator Carstairs:** It operates and it functions. Hezbollah is a legitimate political party in the country of Lebanon. It has elected 11 members to the democratically elected government of Lebanon.

**Senator Tkachuk:** Shame. That is a shame!

**Senator Carstairs:** It seems to me that it is entirely appropriate —

**Senator Tkachuk:** Why do we not have the mafia dons raising money here?

**Senator Carstairs:** — that arms of Hezbollah that perform good deeds and function in a democratic fashion should be allowed to continue to be recognized by the Government of Canada.

**Senator Tkachuk:** I think I am done.

## CANADA CUSTOMS AND REVENUE AGENCY

### WITHDRAWAL OF DISABILITY TAX CREDIT

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate and has to do with a disturbing situation.

The disability tax credit was designed to provide Canadians with disabilities who must, as a result of living with disabilities, incur expenses not incurred by Canadians without disabilities.

Earlier this year, 106,000 disabled Canadians received a letter from the Canada Customs and Revenue Agency saying that they are no longer disabled and that they would have to reapply for the tax credit. CCRA says that, as of the end of August, 85,000 files have been reviewed.

Can the Leader of the Government tell us how many of these 85,000 files that have been reviewed have resulted in denying disabled Canadians the disability tax credit?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, that is a specific question asking for a specific number, and it is not possible for me to give her that number at the present time.

The overall philosophy of the program is that those who are most disabled in our country, those who need our help the most, should be the ones who get our help. There must be a clear distinction between individuals who may consider themselves to be disabled but who can function quite adequately in the country without the necessity of being given additional sums of money and those who are disabled to such a degree that their quality of life makes it impossible for them to function in the fullness and richness of Canadian society.

**Senator LeBreton:** Honourable senators, I guess it is all in the definition of the fullness and richness. The form disabled Canadians must take to their doctors to be filled out asks questions such as the following: "Can your patient see? Can your patient speak? Can your patient walk? Answer no only if all or almost all the time, even with therapy, medication or a device,

your patient cannot walk 50 meters on level ground or he or she takes an inordinate amount of time to do so." Those questions are on the form.

This means that if individuals can propel themselves 50 meters on a flat surface with the aid of a device, they do not qualify. In fact, there are newspaper reports of a gentleman in Nova Scotia who lost part of his leg after being run over by a train in 1979. He has been covered by Workers' Compensation and now collects a Canada disability pension. Yet, Canada Customs and Revenue Agency no longer considers him to be disabled, and he is now ineligible for the \$960 disability tax credit.

Can the Leader of the Government in the Senate possibly justify how that can happen to this man and why the government has decided to attack disabled Canadians? How much money does the government expect to save by denying this tax credit to disabled Canadians?

**Senator Carstairs:** The honourable senator knows that I cannot discuss individual cases in this chamber and will not do so because it would infringe upon the freedoms of an individual.

In terms of savings, there are to be no savings. The purpose of this program is to ensure that the money put in this fund is used for those who need it.

**Senator LeBreton:** Honourable senators, the gentleman in question obviously has no problem because it is his own story. I am sure he is appealing to people in public life to make his case known.

Many of these Canadians will not realize that they have lost this tax credit until they fill out their income tax form next spring. Can the Leader of the Government tell us what efforts are being made to contact those Canadians who did not reapply for the tax credit? Is any effort at all being made to contact these people?

**Senator Carstairs:** Honourable senators, if they have not reapplied, presumably they have been identified as not meeting that particular form of tax credit. If they have reapplied, they have resubmitted their applications. If they meet the criteria of having a severe and prolonged disability, then they will, of course, continue to receive a benefit.

**Senator LeBreton:** Who in the department decides what the criteria are? Does a departmental doctor look at the form, or is it just decided by a computer or some clerk whether the criteria are eligible?

**Senator Carstairs:** The evaluation process in place has not changed for many years at Human Resources Development Canada. The processes are the same that were put in place under the previous administration. There are medical personnel who can be contacted, and there are those who are trained specifically to identify those most in need.

## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL

**Hon. Leonard J. Gustafson:** Honourable senators, my question deals with the climate change draft plan that the federal government has been circulating.



Having seen the report of the draft plan in the newspaper, there does not appear to be a guarantee that no single region of the country or sector of the economy will bear a disproportionate cost of implementing the Kyoto accord. Could the Leader of the Government clarify this issue for senators?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, a draft plan was made public this morning at 10 o'clock. That draft plan outlines how the federal government hopes to obtain its objectives to meet the Kyoto accord. That draft plan will be the basis of discussions that will take place in Halifax with ministers of the environment from coast to coast to coast. It is certainly the intention of this plan that no region shall bear an unbearable or unreasonable burden.

**Senator Gustafson:** Honourable senators, the climate change draft plan has also indicated that Ottawa will require consumers to change their behaviour. For instance, Ottawa will require Canadians to drive their vehicles 10 per cent less each year and to make their homes more energy efficient. Could the Leader of the Government tell us what measures the government will put in place to enforce these programs?

**Senator Carstairs:** Honourable senators, let us be honest. The government cannot limit an individual from driving as much as the individual wishes to drive. The government will encourage the use of procedures that will allow, for example, better use of our mass transportation systems.

• (1430)

It will provide encouragement to buy more fuel-efficient vehicles. It will encourage the use of ethanol in all automobiles and in the gasoline used for all automobiles. We know that all cars can now use a certain percentage of ethanol.

Those are some of the encouragements that will be provided by the Government of Canada.

**Senator Gustafson:** Honourable senators, will this measure automatically bring on an increased carbon tax to enforce the reduction of vehicle and gasoline usage?

**Senator Carstairs:** The government has been very clear — there will not be a carbon tax.

**Hon. Gerry St. Germain:** Honourable senators, I have a supplementary question for the Leader of the Government in the Senate.

In the spirit of the previous response, let us be honest. Let us do just that. Yesterday, Senator Buchanan avidly described his relationship with Senator Carstairs' father. I was remiss in not including Newfoundland and Labrador and Nova Scotia in my questions on Kyoto on Tuesday.

Premier Klein of Alberta told the Empire Club in Toronto that Kyoto was not a Canadian plan but one concocted by international theorists at the United Nations. Being one of the greatest premiers of one of the greatest provinces in this country, I am sure Premier Klein would not misrepresent the facts. In being honest, is he right?

**Senator Carstairs:** The honourable senator is certainly right in saying that Premier Klein is premier of one of the greatest provinces in this country, along with nine other great provinces. As I said yesterday, they form our great country.

There is some disagreement as to whether he is a great premier, but that is open to debate, as is of course the discussion of the qualities of every premier and every prime minister. We will probably continue to have some disagreements on the basis of political persuasion.

However, he is quite right — the Kyoto accord is not a Canadian plan. It is an international treaty to address the issues of climate change that do not just happen in Canada but which happen throughout the world. We have agreed, through our Prime Minister, to put the Kyoto accord through a ratification process in this country because we think we can make our contribution to climate change, one which will impact not just Canadians but every citizen of the world.

**Senator St. Germain:** Honourable senators, it concerns me that we would enter into a program in which Canadians would have no input. Perhaps I misheard the Leader of the Government in the Senate in her response. If so, she can correct me if I am wrong? It does not make sense that we would do that.

Apparently, the federal government, the government which the minister represents, is talking about next generation technology for low-cost nuclear power. I think nuclear power is an irresponsible and dangerous way to go simply because there are not enough programs in place to dispose of nuclear waste. Will we have nuclear generation plants foisted on us as opposed to the hydroelectric plants that we now utilize?

**Senator Carstairs:** Honourable senators, since it was only tabled this morning, I can understand why the honourable senator has not had a chance to read the entire plan. However, it is clear in the plan that nuclear energy is not included in Canada's target to meet the provisions of the Kyoto accord.

Of course there will be input from Canadians. That is exactly what the ministers' meeting next Monday is all about. It is taking place so that the premiers' representatives, through their ministers of the environment, can meet with the Minister of the Environment and the Minister of Natural Resources to develop, together, a plan to meet our targets under the Kyoto Protocol.

**The Hon. the Speaker pro tempore:** I regret to inform honourable senators that the time for Question Period has expired.

## VISITOR IN THE GALLERY

**The Hon. the Speaker pro tempore:** I wish to draw the attention of honourable senators to the presence in our gallery of Mr. Firoz Cachalia, Speaker, Provincial Legislature of Gauteng, Republic of South Africa.

[Translation]

On behalf of all senators, I welcome you to the Senate of Canada.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under "Government Business," I would like to deal first with Motion No. 3, then follow with Motion No. 1, and then resume the order proposed in the Notice Paper.

### CODE OF CONDUCT AND ETHICS GUIDELINES

#### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE ADJOURNED

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice given October 23, 2002, moved:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I am pleased to speak to this motion today to authorize the Standing Senate Committee on Rules, Procedures and the Rights of Parliament to examine the draft bills governing the conduct of parliamentarians.

[English]

These proposals relate to two aspects of the Prime Minister's eight-point ethics plan which I have recently tabled. The plan includes a draft bill to establish an independent ethics commissioner reporting to Parliament and a draft code of conduct for parliamentarians.

The motion before us today is straightforward. It would authorize the Rules Committee to review these draft proposals and to report to the Senate on its findings.

As honourable senators are aware, the issue of the conduct of parliamentarians and public office-holders has a long history, and parliamentarians have long been struggling to establish rules and institutions to govern our conduct. Attempts to establish a comprehensive code of conduct to govern parliamentarians dates back almost 30 years. Some honourable senators may recall our former colleague the Honourable Allan MacEachen's green paper entitled, "Members of Parliament and Conflict of Interest," tabled in the Senate in 1973.

The Hon. the Speaker *pro tempore*

Following the recommendations of the Senate and the House of Commons, the government introduced a bill in 1978. Unfortunately, that did not pass before Parliament was dissolved in 1979.

The previous government was also active on this issue. Between 1988 and 1993, four separate pieces of proposed legislation were introduced by the government. Unfortunately, all four bills died on the Order Paper. However, we did receive the valuable Stanbury-Blenkarn report of 1992.

More recently, we had the special joint committee chaired by the Honourable Senator Donald Oliver and the Honourable Peter Milliken, who is currently Speaker of the other place.

• (1440)

I should like to take this opportunity to note the leadership and work that the honourable Senator Oliver undertook as joint chair of this committee. The Oliver-Milliken report was tabled in 1997, and the government believes that it is a sound, non-partisan basis upon which to proceed with establishing a code of conduct for parliamentarians.

As honourable senators will see, the government's draft proposals on a code of conduct are based largely on the Oliver-Milliken report.

[Translation]

Honourable senators, we are here because we want to serve our country as best we can. We are not here to serve our own personal interests, but to fulfil our commitment and our sense of duty. However, it is not enough to know that we must comply with very high standards.

[English]

As the Prime Minister has indicated, all parliamentarians have a role to play in ensuring the trust of Canadians in our public institutions. We have tabled our proposals on the ethics commissioner and a code of conduct in draft form in order to give parliamentarians the earliest possible opportunity to debate, to discuss and to have input into them. That is why we are putting forth this motion to refer these proposals to the Standing Committee on Rules, Procedures and the Rights of Parliament. If appropriate, the Rules Committee may wish to join with the committee in the other place to hear particular witnesses and share thoughts on the best approach to be taken on these issues, and we would certainly support such a motion.

The Prime Minister has stated that the government will be open to changes recommended by the Senate and by the House committees. I look forward, personally, to working with the Rules Committee as they review the proposals.

I should like to take a moment to highlight some of the key aspects of these draft proposals. First, it is proposed that an ethics commissioner be established as an independent officer of Parliament. The ethics commissioner would administer the code of conduct for parliamentarians and, in addition, would provide advice to the Prime Minister on ministerial ethical issues. As well, the commissioner would report annually to both the Senate and the House of Commons.



As to the code of conduct for parliamentarians, many honourable senators will be aware of the Oliver-Milliken report which proposed the consolidation and modernization of the rules governing parliamentarians, a disclosure regime to provide for transparency in our work, and a process for the prevention and resolution of conflict of interest.

The proposed code of conduct is being put forward as rules of Parliament rather than legislation, which is consistent with the approach that the Senate and the House of Commons are responsible for their own affairs.

Adopting a code of conduct would strengthen Parliament by providing parliamentarians with an independent source of advice on ethical issues, modernizing outdated rules and establishing new rules on issues such as gifts and personal benefits, promoting transparency through disclosure of interests, providing a mechanism to resolve ethical issues and, finally, by modernizing Canada's Parliament in line with other parliamentary democracies, including those of the United Kingdom, Australia and most of our provinces.

As the code of conduct would replace existing conflict of interest rules, the draft bill on the ethics commissioner also includes amendments to the Parliament of Canada Act to repeal the redundant sections. This includes the repeal of sections 14 and 15 of the Parliament of Canada Act, which I know many senators believe to be very much outdated.

While the Oliver-Milliken proposals provide an excellent starting point, our proposed code has important modifications that address concerns raised by parliamentarians, including senators. First, there would be no disclosure of spousal interests. However, parliamentarians would be required to disclose conflicts with family member interests in exceptional cases, which builds on conflict of interest rules presently found in rule 94 of the *Rules of the Senate of Canada*.

Second, only parliamentarians would be able to bring complaints against other parliamentarians in their respective house. For example, a senator could, in fact, raise a complaint against another senator, but a member of the House of Commons could not raise a complaint with respect to the behaviour of a senator, and the other would hold true. This would respect, we believe, the independence of both of our houses.

Finally, each House of Parliament would be required to administer the code in its respective chamber. The Oliver-Milliken report recommended a joint parliamentary committee on official conduct. This particular draft set of proposals does not go in that direction. It does not recommend a joint parliamentary committee on official conduct. It recommends that we establish a separate Senate committee, or use an existing Senate committee, to guide the work of the ethics commissioner and to make recommendations to the Senate as it applies to senators. Of course, the same situation would exist in the House of Commons. Through either a new committee or an existing committee they could provide directions to the ethics commissioner with respect to the activities of members of the House of Commons.

[Translation]

Canadians expect the conduct of parliamentarians and the government to be exemplary, and rightly so. Given the efforts

made by the previous government and the work done by the Oliver-Milliken committee, this is clearly not a partisan issue.

[English]

I am confident that all senators will work in a non-partisan way on these proposals to ensure the adoption of a code and a bill on an ethics commissioner that can be supported by all parliamentarians.

On motion of Senator Lynch-Staunton, debate adjourned.

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(2nd day of resuming debate).

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I wish to begin by expressing gratitude to Her Excellency the Governor General of Canada for gracing us with her presence in this chamber on September 30.

[Translation]

I should also like to thank the mover and seconder of the Address in Reply to the Speech from the Throne, Senators Yves Morin and Elizabeth Hubley, for the pertinence of their remarks.

[English]

I should also like to thank my colleague the Honourable Senator Lynch-Staunton, Leader of the Opposition, for his address here yesterday, although I certainly disagree with his statement that there were few specifics in the Speech from the Throne. I would point out, with the greatest of respect, that in all the Speeches from the Throne to which I have ever listened, brought down by whatever government happened to be in power, the rule seems to have been that there are very few specifics.

The whole purpose of a Speech from the Throne, I suggest, is to be an overview of the direction a government plans to take in the next year or 18 months. It is not supposed to be a very specific document illustrating the exact plans, including the spending plans, of the government, which, of course, come down in the budget.

I would congratulate our Prime Minister on what will, in all likelihood, be his last Speech from the Throne. I am proud to be part of a government led by an individual who puts the care of our people at the top of his agenda.

That is why I would like to start my speech today with one specific aspect of the Speech from the Throne, because there was indeed at least one specific that sets the tone for this government's priorities in the remaining part of its mandate, that being, of course, palliative and end-of-life care.

As those in this chamber know, in addition to my role as Leader of the Government in the Senate, I am also minister with special responsibility for palliative care. Many of you have heard my personal reasons for advocating this issue, and several of you have worked on this issue with me on previous Senate committees, including Senator Beaudoin and our Speaker *pro tempore*.

• (1450)

The impact of palliative and end-of-life care is much bigger than each and every one of our personal experiences. It is universal. To my mind, end-of-life care is a barometer of the quality of our health care system and, more than that, of the values we hold as a nation. It measures how much we really value the quality of our lives and how much we respect our fellow citizens.

Canadians are world leaders in quality-of-life measures, and part of that is providing the best health care possible to our citizens. Quality end-of-life care addresses the same needs, which we have every day of our lives and which do not abate because of illness: medical care, spiritual care, family support and comfortable living conditions. Proper palliative care allows patients and their families to continue living with comfort and hope, and we must work to ensure that it is available to all Canadians.

A sea change is occurring in the way that Canadians and their representatives are understanding end-of-life care. In this Speech from the Throne, we heard:

The government will...modify existing programs to ensure that Canadians can provide compassionate care for a gravely ill or dying child, parent or spouse without putting their jobs or their incomes at risk.

This new protection for caregivers, which ensures that families can maintain their unity and dignity during times of great distress, creates a new dimension to our understanding of quality of life in Canada. I cannot sufficiently express my pleasure and sense of privilege that I serve in a government that views health care as a service that should encompass the entirety of life — from birth to living to death.

I have mentioned previously in this chamber that there is a secretariat within Health Canada responsible for creating a strategy for palliative care across the country. This will be a Canadian strategy, a uniquely Canadian response to providing better health care that this government has committed to in this Speech from the Throne.

In order to be assured that we can continue to benefit from current inroads being made on end-of-life care, we must expand our basis of knowledge and experience and fund further research in this area so critical to our health and welfare.

The Government of Canada has created the Canadian Institutes for Health Research, which have identified palliative and end-of-life care as a key area for further research. We have also created Canada Research Chairs and invested in the Networks of Centres of Excellence. This government's emphasis on funding, research and innovation will benefit our health care system and

our economic development in immeasurable ways. It will create a solid foundation for government science and support universities so that they can continue to contribute to our economy and to the education of our society.

The education of our physicians and health care workers with respect to palliative and end-of-life care is another integral facet of a comprehensive health care system. I am not sure if many honourable senators know that until this September, there was not a single medical school in this country that had palliative care as a core part of a physician's training. I am pleased to announce that McMaster University, for the first time this September, has made education in the care of the dying a core part of their curriculum. I am hopeful and encouraged that other medical schools will follow the experience of McMaster University. Just as we have physician specialists who attend our births, we need access to physicians who understand the particular circumstances of people who require quality end-of-life care.

There is still remarkably little knowledge in the medical community about aspects of palliative and end-of-life care, such as the process of dying, the delivery of drugs to people at the end of their life, or the best way to address the physical and spiritual effects of chronic illness. Physicians should feel confident that their education has prepared them for the eventuality of treating a patient at the end stages of life whether that patient is a senior citizen, an adult or, all too often, a child.

Our attitude about end-of-life care is a gauge of how we measure the quality of our entire lifespan. This government considers end-of-life care only one constituent of a Canada that we want. The health of Canadians, of their environment and of their communities is paramount to preserving the way of life we are privileged to enjoy in Canada.

The fact that Canadians have repeatedly indicated their willingness to preserve and protect our health care system is, I believe, a testament to the import that we place on this service and the role it plays in shaping our very identity. We see national health care not merely as a social benefit, not just as a necessity, but as a moral obligation.

We are currently in the process of conducting two vital studies to review federal options in managing our health care system. One is by our honourable colleagues, members of the Standing Senate Committee on Social Affairs, Science and Technology, which I understand will table its report tomorrow. Preliminary reports indicate that my honourable colleagues have conducted a thorough review of our health care options, and I expect that the final report will be received as a detailed and insightful analysis on restructuring our most important national service. The other report will be issued by the Honourable Roy Romanow, who is heading the Commission of the Future of Health Care in Canada. These reports signal a new approach to delivering better care across the country and to addressing the deficiencies by finding new methods to improve a service that is so vital to Canadians.

Honourable senators, Sir Winston Churchill once said that there is no finer investment for any community than putting milk into babies. Proper health care is an enduring value in Canadian society, as is our willingness to share the wealth of our nation with those who are less fortunate. The Government of Canada



continues to affirm that child poverty is an urgent matter, one that will define not only the future of those children affected but the future of us all, because if we do not fully realize the potential of all of our youngest generation, then we will not utilize the full potential of all of us.

This government is firmly committed to making Canada a healthy place to live, but also a safe and prosperous place for ourselves and for future generations. Our children need quality education service. They need support in their families and in their communities. Creating a better society for our children and their families is the best way we can sustain Canada's place as a world leader.

We will continue fighting child poverty. The government will continue to introduce a progressive and effective program, as it has in the past, by increasing the National Child Benefit to alleviate economic hardship for families with children. The government will provide increased funding for the National Child Benefit and begin new consultations to establish long-term strategies for eliminating child poverty altogether, and one could add, "none too soon." We made a commitment to do that by the year 2000, and although the numbers are somewhat better than they were then, they are not nearly good enough. The government, therefore, will continue to increase the Canada Child Tax Benefit, and we have increased benefits so that 90 per cent of all families with children are covered.

Our government will provide better access to early learning opportunities and to child care for low-income and single-parent families. Because early childhood is such a crucial stage of development, the government has committed \$2.2 billion to the Early Childhood Development Agreement, working with the provinces and territories to finance programs that assist in a child's development from pregnancy to family support. While caring for any child is a serious responsibility, caring for a child with special needs can be even more difficult for families in both emotional and financial terms. We will provide targeted assistance for families with severely disabled children.

We recognize that children's rights are too often subject to other being factors and that children need further protection with our justice system. We will toughen penalties for child abuse and neglect, and we will place more emphasis on the best interests of the child in situations dealing with justice and family court. That is an important phrase. Any of us who have watched family members get embroiled in the divorce courts of this nation sometimes realize that children seem to be the last ones considered in that kind of dialogue.

• (1500)

Where children are, however, personally involved in our justice system, we will adjust our approach to be more responsible to the needs of the child, whether that child is a victim of a crime or a witness to a crime.

[Translation]

The government is very concerned about aboriginal children. The history of our aboriginal peoples has evolved alongside that of Canada; in many respects, they are invaluable indicators of the

future of our country. Many of our past achievements are now producing tangible results that will continue to bear fruit in years to come.

For example, from 1991 to 2001, we increased the number of houses on reserves by 70 per cent; we helped nearly 30,000 students pursue post-secondary education; and we increased from \$25 million to \$125 million a year the funds earmarked for economic development on reserves.

[English]

Aboriginal families will benefit from a new First Nations health promotion and disease prevention strategy that will improve health care on reserves. Aboriginal families will receive more assistance for parental support, for fetal alcohol syndrome and Head Start programs.

The government will work with our First Nations to support education programs, economic development programs and health care programs to build healthier communities. We will expand pilot programs to help Aboriginal people live more successfully in cities. We will also expand community-based justice programs and work to enhance and preserve Aboriginal languages and cultures so that Aboriginal children will inherit a strong society that is self-sustaining.

Honourable senators, we cannot allow our cities to deteriorate if we want to maintain the strength and promise that Canada offers to its citizens. For this reason, the government has provided extensive investment to upgrade our city's infrastructure, including over \$4 billion for urban renewal over the next decade, \$2 billion in major strategic projects, \$600 million for highways, \$600 million for border security, and \$3.5 billion to address homelessness. These programs will be maintained and expanded to include ways to improve the welfare of individual citizens.

A national drug strategy will be implemented that will include increasing the number of drug treatment courts, as well as consulting with Canadians and modifying our current drug policy, another initiative that was started here by my honourable colleagues in the Senate under the excellent leadership of Senator Nolin. I should like to take this opportunity to commend those senators who took part in this groundbreaking inquiry to reassess our priorities on national drug policies and to look at these issues from new perspectives.

New immigrants to Canadian cities will benefit from new measures to help their children learn our official languages and to help them settle into their new neighbourhoods. The federal government will work with provincial and municipal governments to develop environmentally responsible transportation systems to preserve our urban neighbourhoods. Better transportation systems are one way to improve our national environmental health and, yes, to meet our targets on Kyoto. Another is the preservation of our air quality, not just for ourselves, but for the benefit for everyone who shares our planet. That is why our Prime Minister has stated that, by the end of this year, we will bring forth a resolution to Parliament on the ratification of the Kyoto Protocol.

Honourable senators, this initiative is a historic accord that finally recognizes, on an international level, that we all inhabit the same planet and that we must all live in harmony with our environment.

[Translation]

Canada's heritage consists of its people, its geography, its green spaces and wide expanses. Because environmental issues know no boundaries, they affect us all. We are committed to cooperating with all levels of government, both within and outside federal jurisdiction, to foster environmental conservation.

We also made a commitment to create ten new parks and five new marine conservation areas. We will expand the legislation governing pesticides and the environment, and we will work together with our American neighbours and with the provinces to improve air quality, and tighten the guidelines for water quality.

[English]

The Canadian government is working to renew its relationship with other nations at home and with the business community, and with our education institutions and with its own citizens.

The government will review corporate governance standards for federally incorporated companies and financial institutions to ensure that they, together with our securities and regulatory systems, remain sound. A new external advisory committee on smart regulation will be created to this end.

In a recent speech to the Toronto Board of Trade, the Honourable Maurizio Bevilacqua, Secretary of State for International Financial Institutions, indicated that the government will be looking to the Standing Senate Committee on Banking, Trade and Commerce to debate issues of corporate governance and investor confidence.

The government will strive to increase fair trade and commerce agreements and to resolve disputes with its trading partners. The government has also indicated it will expand its purview to take into account emerging issues such as research ethics concerning humans, new life forms and drug approvals, and will work to establish national standards on these challenges, which confront governments around the world.

A primary function of government, however, is to ensure the security for its citizens. The government has indicated it will set out before the end of this mandate a long-term direction on international and defence policy that reflects our values and interests.

With the New Partnership for Africa's Development, Canada remains at the forefront of attempts to redistribute our planet's wealth for a more equitable and, in my view, ultimately a more secure world.

The Government of Canada will make certain that Canada's military is properly equipped, although probably not to the expectations of every single member of this chamber, to fulfil the demands placed on it. We will continue to promulgate the values of pluralism, freedom and democracy that have defined us as our nation.

[ Senator Carstairs ]

For the last nine years, this government has worked to significantly increase the financial security and future prospects of its citizens. We have paid down over \$45 billion in our debt to such an extent that the debt has fallen from 72 per cent of GDP to under 50 per cent.

We have reduced personal and corporate income tax and employment insurance premiums by \$20 billion annually. Financial measures, such as these, have contributed greatly to increasing the standard of living of Canadians. This prudent fiscal management will allow the government to attain the priorities set out in the Speech from the Throne.

As my colleague Senator Lynch-Staunton mentioned yesterday, responsible management affects not only financial measures but encompasses responsible moral leadership as well. The government has already begun to introduce legislation to clarify and better enforce codes of ethics pertaining to elected officials and senior public servants, to lobbyists and to political parties and their candidates. This is a substantial undertaking, as my colleague, the honourable senator, knows. We will continue to review the working relationship between the legislature and its executive leadership.

As the honourable senator pointed out yesterday, he enjoyed the benefits of strong leadership for 14 years in municipal government, and we with all know again for nine years under the former Prime Minister, the Right Honourable Brian Mulroney.

Honourable senators on both sides of this chamber can appreciate the prodigious effort that it takes to enact parliamentary reform of any sort. I believe that the ethics package the government introduced yesterday is a substantial measure of the importance we place on improving the functioning of Parliament.

Honourable senators, this country was built on tolerance, peace and a rich democratic tradition. We are a people full of hope for the future and for the future of our children and our grandchildren. Our history is one of respect, not of bloodshed. We instinctively search for solutions that are negotiated compromises, not autocratic impositions.

• (1510)

Some of us have arrived here in desperation, fleeing places where human rights and mutual respect are tenuous concepts, but we know that Canada will provide us with the necessities for a happy life: clean air and water, green spaces, freedom, tolerance and an access to health care and education.

As basic as these necessities are, they are rare commodities in the world, and each and every government that represents the people of Canada must recognize the critical importance of preserving these things for future generations.

The greatest women and men in our history did not honour Canadians with their leadership as much as they bore witness to what we already have. It falls to our leaders to see the brilliance of Canada and to express it. It is a difficult task to form a government worthy of this great country because Canadians have earned the respect of the world community and Canadians must remain vigilant in maintaining our place in the world as a peaceable and innovative country.



Together, Canadians have built a country that is a symbol of hope for people around the world. Together, we will continue to build the Canada we want.

**Hon. Lowell Murray:** Honourable senators, would the honourable Leader of the Government permit a question?

**Senator Carstairs:** I should be pleased to answer the question of the honourable senator.

**Senator Murray:** Honourable senators, I lost count at about a dozen and a half items that the Leader of the Government announced or mentioned that had not been included in the Speech from the Throne. I come to the conclusion, therefore, that what we have just heard was the first draft of the Speech from the Throne that the minister sent in, but that was not included, and she decided to announce it anyway. Am I correct?

**Senator Carstairs:** Honourable senators, I must confess that I sent in a draft request on only one particular item. That item was included in the Speech from the Throne, for which I am delighted; that is, the caregiver package for those who look after gravely ill members of their family or those members of their family who are dying.

With respect to the other aspect of the honourable senator's question, I have combined a group of programs already in effect that we will continue to build on and other new initiatives that were announced in the Speech from the Throne.

**Hon. Jack Austin:** Honourable senators, let me begin in the traditional way of parliamentary practice in participating in the Address in Reply to the Speech from the Throne. I wish to add that I do so in the conviction that the practice demonstrates, first, respect for Parliament itself, and for those whose responsibility is foremost, the integrity of the Senate and its institutional competence. The tradition also recognizes the symbolic inclusion of newer members and recognizes the promise those newer members offer to the future of parliamentary practice and principles.

On behalf of our parliamentary colleagues and myself, I offer Your honour our respect for her high office and support for her in the discharge of her important responsibilities to this chamber of Parliament. I am happy to add my congratulations to her personally on her election by her colleagues as the Honourable the Speaker *pro tempore*.

My congratulations also go to Honourable Senators Yves Morin and Elizabeth Hubley for their competent discharge of their roles as mover and seconder of the motion for the Address in Reply to the Speech from the Throne. As supporters of the government, the Senate did not expect or receive from them a critical appraisal of the government's proposed program. What they demonstrated, however, in their presentations was their personal range of policy interests in the areas in which they are likely to make further interventions or contributions in the time ahead.

Honourable senators, Her Majesty Queen Elizabeth II has visited Canada this month so that Canadians can join in the celebration of the fiftieth anniversary of her ascension to the

Throne. Along with some honourable senators and members of the other place, my wife and I joined in a celebratory luncheon on Monday, October 7, in Vancouver, which was hosted by Prime Minister, the Right Honourable Jean Chrétien. It was a warm and delightful event that marked the great respect that British Columbians hold for the Crown and, in particular, for the extraordinary person who is Queen and sovereign. We wish her good health and long life.

I believe that British Columbians generally welcome the direction and emphasis that the government has outlined in the Speech from the Throne. New spending will be directed to the protection of the health of Canadians based on the recommendations of the Romanow commission and hopefully also on the work of the Standing Senate Committee on Social Affairs, Science and Technology chaired by Senator Michael Kirby, whose final report and recommendations we should receive shortly; hopefully also on the recommendations of the various groups in the health industry; and not least on the results of first ministers negotiations at a meeting to be called in early 2003, as mentioned in the Speech from the Throne.

The continuing emphasis on the National Children's Agenda is critical. We must be more aggressive about dealing with the conditions of child poverty. It is simply not acceptable to abandon 20 per cent of our future population to dependency and desperation. If these policies require a more activist and interventionist government, so be it. I wish to commend the Leader of the Government for her comments earlier this afternoon in support of these programs relating to the development of children and, in particular, at the early stage in their development. These are absolutely essential, and no government should be without strong programs in this area.

The Canadian family includes within it the Aboriginal nations, communities and societies. They have not been well served by the policies and practices of the past. While progress in the economic and political sectors has accelerated in the past few years, the social condition of many Aboriginals remains a Canadian tragedy. This must be addressed through a greater emphasis on education and on the development of both individual and community initiative and responsibility.

In British Columbia, we have with the Nisga'a people an example of a new mutual and respectful relationship. I am confident of its success. However, little real progress has been made in building new working relationships with other Aboriginal entities. The Nisga'a example is of the creation of total settlement of all issues outstanding. It was not held out as a precedent and I doubt it will be. The future of other negotiations appears to be by incremental agreements that, over a period of time, may lead to a final definition. The current impasse in treaty negotiations in British Columbia is troubling and must be addressed.

Great support exists in British Columbia for the principle of a healthy environment. The Kyoto Protocol on climate change promises global action to meet a growing danger to the health of the world community, but for many the devil is in the details. The federal government has proposed negotiations with the provinces and territories on an implementation strategy and a first meeting of energy and environmental ministers is to be held shortly. Hopefully, rapid progress can be made so that the cost to industry and to the provinces can be better understood.

We need also to know more about our competitiveness in the United States and world markets as a result of the new cost structure and how the federal government proposes to ensure that no part of Canada will bear an unfair portion of the economic burden. We also need to know more about the benefit side of Kyoto to Canadian health and new industrial opportunities.

I confess a concern with the Prime Minister's proposal to ask both Houses of Parliament to endorse before the end of December a resolution approving of Canada's ratification of the Kyoto Protocol. I wonder whether the Canadian people will have been adequately consulted and a political consensus for ratification constructed as quickly as that, scarcely 10 weeks from now.

It is no secret that British Columbia has been through an economic slowdown over the last decade and has seen its growth lag behind the rest of Canada. Our population growth has slowed dramatically. The measures taken in the United States with respect to our softwood lumber industry and combined tariffs of 27 per cent has cost us thousands of jobs to date in that industry, and that figure is growing.

There is a multiplier effect that winds through shutdowns of mills and destruction of communities dependent on those mills. Schools and hospitals have been closed. People move out, many going to Alberta to find work. Pensioners are harmed when the companies for which they worked go bankrupt.

In spite of many efforts, for which I commend the work of the Honourable Pierre Pettigrew, Minister of International Trade, as well as the work of Premier Gordon Campbell and his cabinet, no resolution is in sight. It appears it will take many more decisions of the World Trade Organization and the NAFTA panels before the arbitrary protection of U.S. trade law and application is fully revealed. The federal government has announced ameliorative measures to assist forest-dependent communities to cope with U.S. trade sanctions. Nonetheless, these measures do not directly address the stresses in the forest industry itself.

Honourable senators, I am pleased that the Government of Canada will maintain its policy on fiscal issues; that is, balanced budgets, disciplined spending and a declining national debt. The Minister of Finance, the Honourable John Manley, has said that allocating money from existing programs will finance the government's policies outlined in the Speech from the Throne. On this question I admit to some confusion. As the Prime Minister stated in the other place:

The issue is not whether we will pay more as a society for health. We will.

The Prime Minister continued:

I know that Canadians will be prepared to pay that cost, but we will do so collectively as a society. No doubt we will learn more in due time.

• (1520)

Honourable senators, the Speech from the Throne gave a strong focus to the role of Canada's cities, another issue mentioned by the Leader of the Government whose comments I strongly

support. More than half the population of Canada lives in an urban environment. It is clear to all that our cities are under great stress to maintain their infrastructure and accommodate the continuous inflow of people. In support of the government's program for competitive cities and healthy communities, the Senate itself should give priority to an examination of the financial condition of Canada's cities, their ability to provide effective services to their residents, their changing demography, their dependence on their respective provinces and territories for their funding authority, and the role the federal government should play.

Speaking about cities, the 2010 Vancouver-Whistler Olympic bid was not mentioned in the Speech from the Throne. It would have been an encouraging gesture to a major effort by the community of British Columbia and by Premier Gordon Campbell and his provincial government. They seek to bring one of the world's first-ranking events to Canada.

According to a Mark Trend survey reported to *The Vancouver Sun* on October 17, 2002, 59 per cent of British Columbians support the Winter Olympic bid, which will be decided on by the International Olympic Committee in early July 2003. Interestingly, the strongest support from B.C. residents is from that group under age 45. Premier Campbell claims that the Olympic games will cost about \$1.3 billion to hold, but should generate up to \$10 billion in economic activity over the next 10 years.

Of principal concern to Canadians today, as it has always been, is the nature and state of the Canada-United States bilateral relationship. Since 1992, and the implementation of the so-called North American Free Trade Agreement, it is also germane to give attention to the trilateral relationship that includes Mexico. The United States has a population of about 10 times our own and an economy that is 20 times larger. Most Canadians know 85 per cent of our total goods and services exported goes to the United States, creating a two-way trade of nearly \$500 billion in 2001, the largest trading relationship in the world today. We are each other's number one trading partner, with the United States exporting 25 per cent of its total world exports to Canada. A little known fact is that Canada is the number one trading partner of 36 of the 50 states of the union.

Lately, the Canada-United States relationship has seen a fair amount of stress. From a Canadian point of view, damage has been done by a series of trade disputes, including the softwood lumber issue, questions about the Canadian Wheat Board, problems with potatoes and tomatoes, challenges to Canadian steel exports, and the impairment to the movement of goods and people across the border caused by the United States' reaction to security threats posed by the September 11, 2001 tragedy. The American farm bill, creating new agricultural subsidies to their producers in the range of U.S. \$110 billion over 10 years, threatens to distort market trade in agriculture for years to come.

I have never believed that Canadians are anti-American. There is no nation we more resemble, and herein lies our eternal dilemma. We admire the values and principles of democracy, freedom, and the emphasis on the role of the individual which found our neighbours. Those are also our values, although we have a different sense of how they should be balanced.

[ Senator Austin ]



There is no foreign nation Canadians visit more frequently than the United States or that we find more comfortable to be in. However, Canadians recognize that no people anywhere in the world have a better deal as a nation than we do. We have a beautiful and a bountiful geography with vast potential. We have strong national institutions to protect our rights and freedoms, including an independent judiciary, a Charter of Rights, and the rule of law in a democratic parliamentary context. We make a good living and the world considers us the best country in which to live.

In our relationship with the United States, we want both our independence and interdependence. The new word used by the academics is "intermestic" — a combination of international and domestic policies and circumstances, a balance between our international policies and interests, and the development of more harmonization of our respective domestic policies such as they apply to security concerns, "Smart Border" policies, and the reduction of tariffs and other barriers to trade and investment.

Is the time approaching for a new strategic bargain between our two countries — and perhaps including Mexico — which will involve deeper economic, security and defence integration?

At a meeting in New York last year, the Deputy Prime Minister, the Honourable John Manley, remarked that there are two cardinal rules for Canada in terms of United States relations: "Don't get too close, don't get too far." Minister Manley went on to say:

The relationship is not a static one and there is little question that the degree of economic integration is going to continue. We need to do a lot of thinking about our medium and long term objectives.

He added:

The country has to think in particular about what aspects of Canada we don't want to see sucked down in the undertow of economic integration.

Here, honourable senators, is a task for which the Senate is particularly well positioned. No greater challenge exists for Canada than in its evolving relationship with the United States and, through NAFTA, with Mexico.

In the *National Post* for October 21, 2002, Michael Marzolini, the Chairman of Pollara, is quoted as saying that a solid majority of Canadians — 66 per cent — want to foster greater economic integration with the United States. Only 5 per cent are adamantly opposed. He said:

It is very clear that the level of fear that many have talked about with respect to our sovereignty, our culture and our economy is not as great as many have pointed out.

This story also supports the well-known efforts of Foreign Minister, the Honourable Bill Graham to expand North American integration beyond trade and tariffs into social policy and development in Mexico. Mr. Graham has asked whether NAFTA should be expanded to cover social, environmental, legal and other policy issues.

Honourable senators, I believe we should agree that these North American issues of the middle and longer term are the proper work of the Senate and quickly get down to that task.

One of the most exciting parts of the Speech from the Throne emphasizes the importance of making our public and our political institutions more open, transparent and accountable. When the Honourable Ralph Goodale was Government House Leader, he stated, as quoted from *The Hill Times* for Monday, January 21, 2002:

Many MPs are thrusting for an ever-increasing role, a more meaningful role. I certainly will be searching for the ways, in consultation with MPs on all sides of the House, to enhance the stature and role and the performance of Members of Parliament.

Honourable senators, it is every bit as important to the Canadian public that the Senate enhance its own stature, role and performance.

Almost from the time of Confederation, there have been calls to change the Senate. Nothing is more clear than that there is no political will to effect change, for a variety of reasons familiar to senators. However, the absence of reform from the outside does not hinder or excuse the ability of the Senate to conduct many necessary reforms of our internal operations. We can bring the Senate into more immediate contact with Canadians, enhance the Senate's capacity to hold governments more accountable for the way in which taxpayers' money is spent, and increase in some measure the independence of the Senate and its committees. It has never been more important that the Senate work well.

One of the phenomena of our times is the challenge faced by all of our traditional institutions.

Honourable senators, may I have leave to continue for a short time?

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

**Hon. Fernand Robichaud (Deputy Leader of the Government):** I give leave to Senator Austin to finish his remarks.

**Senator Austin:** Honourable senators, one of the phenomena of our times is the challenge faced by all of our traditional institutions — parliament, the churches, universities, the military — to prove their validity in the information age. Today, an extensive range of knowledge is available, which removes the mystery and special competence that supported the elites who previously governed these institutions.

The demands on our institutions, including Parliament itself, are for responsiveness in a timely way, for inclusion and acknowledged impact, and for transparency in the processes of lawmaking. The Senate must find ways of responding to these pressures, as must Parliament, both because the public demands it and because it can be a means to a better decision-making process in a very complex world.

The current state of things is illustrated by looking at voter participation. During the 1970s, voting in federal elections averaged 73 per cent, but in the election of 2000 it had fallen to 61 per cent, an all-time low. Other public opinion polls demonstrated an erosion of confidence in the trustworthiness of political decision-makers.

• (1530)

One need only look to a report by Dr. Judith Maxwell of the Canadian Policy Research Networks, issued last month, which finds in Canada an unease and frustration with the political system and how Canadians make themselves heard and hold governments to account. Therefore, the Senate and its committee system must move toward greater responsiveness to citizens and greater relevance to the issues concerning Canadians.

Many honourable senators will be aware that this is not a conclusion I have recently come to. Since assuming the role of Chairman of the Standing Committee on Rules, Procedures and the Rights of Parliament in November 1999, I have pressed on my colleagues such proposals as a Senate citizen's commission; regional sittings of the Senate; the election of committee chairs by secret ballot; the review of government spending by all senate committees; and a new system for deciding the priority to be given to new policy studies and the funds to be allocated for such studies.

Any number of senators have spoken to me in agreement with some or all of these proposals: For example, the proposal to authorize the Senate to sit in a different region of Canada once in every session seems to me to be ready for adoption. Imagine the impact on the Canadian public and on the Senate of a sitting in Moncton or in Prince Rupert. Through contact between citizens and the Senate and its committees, a better knowledge of us and a better dialogue on public policy could occur.

The same is true for the proposed Senate citizen's commission. This would allow a committee of the Senate add to its members for policy study purposes people with specific expertise and, when it thought appropriate, the direct representation of particular groups affected by the subject matter before the Senate committee. These Senate citizen's commissions would be organized for the fact-finding and analytical part of the work. It is not appropriate for anyone but senators to make recommendations to the Senate. Senate citizen's commissions are likely, in certain policy studies, to better respond to public interest and to be seen by the public to more effectively reflect the public consensus. Of course, the Senate citizen's commission is not appropriate in the consideration of legislation.

Honourable senators, I was recently reminded of an old adage of the Banff School of Management, "Adapt or perish." If we fail to address Senate reform from within and the Senate's relevance to the public, then this institution will surely perish as a viable, political institution. The priority study for the Senate is the Senate itself. How can we better represent the regions of Canada, our minorities and the national interest? How best can we include Canadians in our work and be seen to be open and responsive?

All of us recognize that the Senate is composed of two exciting but sometimes contradictory concepts. Under the Constitution we are a chamber with the responsibility of acting when necessary as a check and balance on the executive. As former Prime Minister John A. Macdonald described the Senate, the chamber is, "A saucer in which to let the passions cool." The Senate is, at the

same time, mostly comprised of partisans for or against the government, and we reflect the adversarial nature of the British parliamentary system. How are we to reconcile these roles? As I have said, the priority study for the Senate is the Senate itself.

On motion of Senator Kinsella, debate adjourned.

[Translation]

## BROADCASTING ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Oliver, for the second reading of Bill S-8, An Act to amend the Broadcasting Act.—(Honourable Senator Robichaud, P.C.).

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, yesterday when I asked for continuation of the debate to be carried over to today, I had received a message to the effect that another senator intended to speak.

I received no such message today, however. I believe that the bill has already received sufficient attention in this chamber, this being its second appearance here.

I therefore believe that honourable senators have had ample time to examine it and debate its contents. We would be ready for the question.

**Hon. Serge Joyal:** Honourable senators, I would like to ask a question. Did Senator Robichaud ask whether that senator was still interested in continuing the debate on the matter, or did he just decide to limit the debate at this point so that we could proceed with the vote on the motion?

**Senator Robichaud:** Honourable senators, yesterday's message did not come from a particular senator. It was just conveyed to me. If someone else wanted to speak or to adjourn the debate, I have no objection, but I think we are prepared to move on with this bill.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on Transport and Communications.



[English]

### THE SENATE

MOTION TO RECEIVE LIEUTENANT-COLONEL  
PAT STOGAN, ARMED FORCES, IN COMMITTEE OF  
THE WHOLE—MOTION IN AMENDMENT—  
DEBATE ADJOURNED

#### On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the

Whole, with the least possible disruption of the proceedings.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Tommy Banks:** Honourable senators, I move, seconded by Senator Atkins:

That the motion be amended in the first paragraph thereof:

by replacing the words "Tuesday, October 29, 2002," by the words "Tuesday, November 5, 2002, at 4:p.m."; and

by adding after the words, "Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002" the words "and Brigadier-General Michel Gauthier, former Commander Canadian Joint Task Force Southwest Asia, February to October 2002."

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Robichaud, debate adjourned.

The Senate adjourned until tomorrow at 9 a.m.

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CANADA

# Debates of the Senate

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2nd SESSION

•

37th PARLIAMENT

•

VOLUME 140

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NUMBER 11

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OFFICIAL REPORT  
(HANSARD)

Friday, October 25, 2002

—

THE HONOURABLE LUCIE PÉPIN  
SPEAKER *PRO TEMPORE*

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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Friday, October 25, 2002

The Senate met at 9:00 a.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

### LIBRARY OF PARLIAMENT OFFICIAL LANGUAGES SCRUTINY OF REGULATIONS

#### STANDING JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that she had received the following message from the Commons:

*It is ordered:* That the standing joint committees be composed as follows:

#### Library of Parliament

##### Members

Bélanger, Bennett, Bertrand, Borotsik, Catterall, Gagnon (Champlain), Grey, Hill (Macleod), Karygiannis, Lill, Pickard, Plamondon, Saada, Stinson, St-Julien, Telegdi—(16)

##### Associate Members

Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Barnes (Gander—Grand Falls), Benoit, Breitzkreuz, Brison, Burton, Cadman, Casey, Casson, Chatters, Clark, Cummins, Davies, Day, Doyle, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Hanger, Harper, Harris, Hearn, Herron, Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lun, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penon, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schmidt, Skelton, Solberg, Sorenson, Spencer, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

#### Official Languages

##### Members

Bélanger, Bellemare, Binet, Bulte, Castonguay, Gagnon (Québec), Godin, Herron, McTeague, Patry, Sauvageau, Simard, Thibeault (Saint-Lambert)—(13)

##### Associate Members

Bachand, Barnes (Gander—Grand Falls), Bergeron, Borotsik, Brison, Casey, Clark, Comartin, Doyle, Hearn, Keddy, Loubier, MacKay (Pictou—Antigonish—Guysborough), Mark, Nystrom,

Plamondon, Thompson (New Brunswick Southwest), Tremblay (Rimouski-Neigette-et-la Mitis), Wayne

#### Scrutiny of Regulations

##### Members

Bonwick, Comuzzi, Cummins, Frulla, Grewal, Guimond, Lee, Macklin, Maloney, Martin (Winnipeg Centre), McKay, Myers, St-Hilaire, Thompson (New Brunswick Southwest), Vellacott, Wappel, White (North Vancouver)—(17)

##### Associate Members

Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Barnes (Gander—Grand Falls), Benoit, Borotsik, Breitzkreuz, Brien, Brison, Burton, Cadman, Casey, Casson, Chatters, Clark, Day, Doyle, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grey, Hanger, Harper, Harris, Hearn, Herron, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lanctôt, Lun, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Nystrom, Obhrai, Pallister, Penon, Rajotte, Reid, Reynolds, Ritz, Schmidt, Skelton, Solberg, Sorenson, Spencer, Stinson, Strahl, Thompson (Wild Rose), Toews, Wayne, White (Langley—Abbotsford), Williams, Yelich

That a Message be sent to the Senate informing Their Honours of the names of the Members of Parliament who will be representing the House on the standing joint committees.

ATTEST:

*The Clerk of the House of Commons,*  
William Corbett

[English]

## ROUTINE PROCEEDINGS

### STUDY ON STATE OF HEALTH CARE SYSTEM

#### FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

**Hon. Michael Kirby:** Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Social Affairs, Science and Technology, which is the final report on the study on the state of the health care system in Canada, entitled "The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform."

I ask that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.



**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators? [Translation]

**Hon. Senators:** Agreed.

Motion agreed to.

**Hon. Lowell Murray:** Thank you, senator. Now you can go to your press conference.

**Senator Kirby:** It is not for another hour.

[Later]

I can give honourable senators some information that I think may be useful. If honourable senators are concerned about being asked questions about the report given its size, a highlights document will be delivered to your offices before 9:30 a.m. and will be posted to the Web at about 9:15 or 9:20 a.m.. I think it will give the information needed to be able to answer any questions that may be raised. Honourable senators can read the full report at their leisure, but I would urge them to look at the highlights document, as it covers all the points that the media and other interested parties are likely to raise.

**Senator Murray:** Where is the part about the GST?

**Senator Kirby:** It is not there!

#### ADJOURNMENT

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 29, 2002, at two o'clock in the afternoon.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

**Senator Robichaud:** Honourable senators, with the unanimous consent of the senators, those items on the Order which have not yet been addressed might be held over until the next sitting and we could proceed with the adjournment.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, October 29, 2002, at 2 p.m.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**

Friday, October 25, 2002

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0			

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10							
C-11	An Act to amend the Copyright Act	02/10/10							
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology					

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.



## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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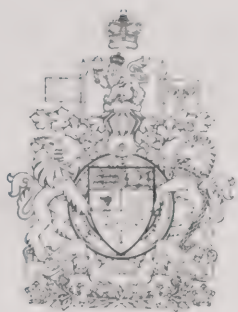






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Tuesday, October 29, 2002

THE HONOURABLE DAN HAYS  
SPEAKER



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## THE SENATE

Tuesday, October 29, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

### THE LATE HONOURABLE HARTLAND DE MONTARVILLE MOLSON, O.C., O.Q., O.B.E.

#### TRIBUTES

**Hon. Michael A. Meighen:** Honourable senators, Canada recently lost one of its most dedicated and distinguished citizens and we lost a former colleague, one of the most admired of all.

[English]

Described by author Peter Newman as the Canadian establishment's quintessential figure, Senator Molson's life stands out as one rich in personal accomplishment and public service. Although born into a well-respected and highly successful family whose roots in Montreal go back to 1782, Hartland Molson, from his earliest years, lived the adage "To whom much is given, much is expected." Or, as he used to put it — somewhat more in the vernacular — "Money is a heavy responsibility...if you are lucky enough to have some dough, you owe something, you have to contribute." And contribute he did!

[Translation]

After leaving the Royal Military College, Hartland Molson got his degree as a chartered accountant and joined the firm of McDonald Currie, where he worked until the crash of 1929, which led to his being laid off for the first and only time in his life.

[English]

Relaunching himself as a venture capitalist, he, along with fellow visionary Henry Ford, established the first plant in Canada to produce soya oil, meal and flour. Unfortunately, this venture was a good half century ahead of its time, and it failed within a year. Undaunted, Hartland Molson qualified as pilot and, together with his brother Tom and the legendary Billy Bishop, founded Dominion Skyways, a bush airline transporting supplies and equipment for northern mining, prospecting and surveying parties. This venture proved to be somewhat more successful, but in 1938 he sold his interest and joined the family brewing firm.

A decorated fighter pilot during the Battle of Britain, he flew 62 combat missions before being shot down and wounded, for which, characteristically, he blamed only himself for committing the cardinal sin of straightening out his aircraft without looking around.

After the war, Hartland Molson resumed his multi-faceted career. As a businessman, he combined his breadth of vision with

an accountant's knowledge of high finance to lead Molson's through an unprecedented and highly successful expansion across Canada.

As a sportsman — a real sportsman — he bought the Canadian Arena Company and, hence, his beloved team, Les Canadiens de Montréal. Under his hands-on presidency — and I know Senator Mahovlich can attest to the fact that he was a hands-on president — Les Canadiens finished first in the National Hockey League eight times and won the Stanley Cup six times. I think Senator Mahovlich can probably take more credit for that than Senator Molson, but I know he was equally pleased.

As a philanthropist, his generosity was legendary and widespread, to say the least, both to organizations ranging from the Canada Council to the Canadian Paraplegic Association, as well as to countless citizens' groups and individuals across the country and beyond, including the Boy Scouts, as Senator Di Nino has reminded me. As a parliamentarian, many here will remember that he served with high distinction in this place from 1955 to 1993, when he voluntarily retired.

[Translation]

Some senators will undoubtedly want to share personal memories of Senator Molson in one of these areas. However, I would simply like to briefly talk about his life in the world of hockey and in the Senate. These are the two facets of his life that I know best and regarding which he was most passionate, I believe.

[English]

Hockey for Hartland Molson was not a business, although his brewery business benefited handsomely from it. It was, rather, an affair of the heart, perhaps because he himself was highly accomplished at the sport, having played at RMC in Kingston, when, incidentally, his team reached the finals in the Memorial Cup in 1926, in Switzerland and in France, and then during the 1930s as a sometimes extra for the Montreal Maroons. Moreover Jean Beliveau is quoted as saying, "When the Molsons walked into the Forum, I always had the feeling that they loved the game so much and the Canadiens so much that they forgot that they owned the team." Or, as Hartland Molson himself put it: "The club is more than a professional sports organization. It's an institution — a way of life."

Right up until the end of his life, Hartland Molson was a familiar figure to spectators and television viewers across the country, sitting in his box directly behind the team bench. He was also a familiar figure in the dressing room of Les Canadiens — but only after winning games! He steadfastly refused to venture in after a loss, perhaps because he knew that his players took defeat as hard as he did — or perhaps the reverse.

Hockey is probably the reason that I became Senator Molson's stepson. My mother and he had known each other all their lives, but after the deaths of their respective spouses, it was hockey that brought them together. Senator Molson, as honourable senators can well imagine, had no lack of admirers among the widows of



Montreal, but I have no doubt that my mother's love and knowledge of the game — and having been, in her youth, an avid fan of the Montreal Maroons — gave her a competitive edge or, as we would say in hockey parlance, the man advantage. That is something that happily led to their marriage in May of 1990.

Senator Molson believed strongly in the role and usefulness of the Senate. Honourable senators are well aware that he sat as an independent, not because of any lack of conviction — he had plenty of those — but because to do otherwise would have conflicted with his business life.

• (1410)

During his 38 years here, Senator Molson sat on almost every committee and chaired a number of them, most notably perhaps the Rules and Orders Committee from 1969 to 1983. However, he became increasingly concerned that the true purpose of the Senate was being frustrated by, and I quote, “a very obvious deterioration in the atmosphere of the house and with a substantial, almost catastrophic, decrease in public support.”

On May 26, 1993, in his resignation speech, which was characteristically short, to the point and overly modest, Senator Molson spoke as follows:

The last thing I want to do today is to criticize, but I must observe that some of the problem has been created by the great increase in petty partisanship which has gone beyond party loyalty. I hope that some day a group of independent senators will regain its number with the result that we have seen in the House of Lords of some leavening in their relationships.

Food for thought for all of us, honourable senators.

Hartland Molson was a passionate, although not uncritical, Canadian. He believed in the fundamental greatness of this country. He believed in tradition and the importance of our history and of our roots. He believed that Canadians were a match for anyone in the world, particularly when acting together with a sense of purpose. As a bilingual anglophone Quebecer, he was, to use his own words, “in complete sympathy with the objective of preserving the French culture and language, and making the French language the prime language throughout Quebec.”

Honourable senators, Hartland Molson will not be soon forgotten. He lived his life with a profound sense of duty and of fairness. He leaves Canada a remarkable legacy of character and of conduct. To his daughter, Zoë Murray, to his three grandsons, Charles, Andrew and Maximilian Hardinge, and to his many nieces and nephews, I extend my heartfelt sympathy, knowing, as I do, that my sentiments are shared by all of his colleagues and former colleagues in this place, as well as by friends and admirers across the country and abroad.

As a fellow fisherman who on several occasions shared with him the delights of his beloved Bonaventure River in the Gaspé, I should like to close with *The Angler's Prayer*, which was included in his funeral service on October 4, in Montreal:

God grant that I may fish, until my dying day.  
And when it comes to my last cast, I thee most humbly pray,  
When in the Lord's safe landing net, I am peacefully asleep,  
That in his mercy I be judged, as good enough to keep.

Honourable senators, Hartland Molson was indeed a keeper!

**Hon. Senators:** Hear, hear!

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, on July 28, 1955, the Right Honourable Louis St. Laurent appointed 13 individuals to the Senate of Canada. One of those, as we have just heard from our honourable colleague, was Hartland Molson. However, among the others was my father, appointed on the very same day. I soon met Senator Molson when I came here as a 13-year-old because my father, like the others, was being sworn into the Senate and was beginning his duties.

I have to tell Senator Meighen that beer to me in those days meant Olands. I had come from Nova Scotia, and that is the only beer that I knew of. I am sure some drank other brands, but the one that we knew was brewed by the Olands family. I remember my father introducing Senator Molson as the other beer maker in Canada. I remember that very fondly.

Of course, I then went on to learn so much about that class of 1955, which included such legendary people as David Croll, for example, and Chubby Power. It was quite a group of appointees that was assembled on July 28, 1955.

Of course, I knew of Senator Molson's contributions to Canada. I believe it is true that he is someone without peer in the annals of Canadian history.

One can look at the number of awards that Senator Molson was given. He was an Officer of the Order of Canada, the Order of the British Empire, the Order of Quebec, a Fellow of the Institute of Chartered Accountants and of the Chartered Institutes of Secretaries, a recipient of multiple honorary doctorates and a Knight of the Order of St. John of Jerusalem.

What is much more important than all of his professional successes, and his clear success with the Montreal Canadiens, was that he was a man predominantly identified with Montreal and the culture of Quebec within Canada. He was a patron to numerous charitable and cultural institutions, including the Douglas Hospital, the Canadian Paraplegic Foundation and, of course, his own Molson Foundation.

He lived a life guided by old-fashioned and time-honoured principles: a respect for his heritage, a sense of duty to his country, and a sense of personal responsibility for his fellow countrymen. As a result, he will be greatly missed by Canadians.

I should like to express my sincere condolences and those of all my colleagues to the Honourable Michael Meighen, to his extended family and, of course, to Senator Molson's family.

**Hon. Senators:** Hear, hear!

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, while the name "Molson" is most identified with one product in particular, it in fact goes back many generations, which have all been actively and generously associated with many facets of Canadian life.

The first Molson came to Canada at the end of the 18th century, still a teenager, and over the years was to be involved in trade, banking, transportation and politics. Succeeding generations carried on in his wake, and in recognition of the opportunities afforded them, they became the most generous of benefactors to the extent that many cultural, educational and medical institutions today continue to benefit from their great generosity.

Hartland Molson was a true descendent of his pioneer ancestor. His commitment to his community was exemplary in both word and deed. As a member of this place, he brought to it a respect and devotion that are an example to the rest of us.

As an aside, I well remember that during those long GST vigils, the best refuge, once the government whip was out of sight, was Hartland's office, where more than the family brand was available. The office was replete with Montreal Canadiens memorabilia. Hartland was one of the last of the professional team owners known as sportsmen. He was a proud Montrealer, proud to be deeply involved in an activity that made all Montrealers proud. It is no coincidence that some of the Canadiens most memorable seasons were under Molson's ownership.

While senators keep the title "honourable" after retirement, I think we can all agree that few deserved it as much as Hartland Molson. May he rest in the peace he so rightly deserves.

**Hon. Senators:** Hear, hear!

**Hon. B. Alisdair Graham:** Honourable senators, I join with my colleagues in saluting the late Senator Hartland Molson, who has been described as a war hero, as a statesman, as a visionary in business, and as a sports entrepreneur who presided, at one time, over the most exciting sports franchise in the world. Hartland Molson was a true gentleman in every sense of the word.

To me, he was an exemplary senator and my friend, who always expressed an unusual interest in my activities. Many times, when I returned from an election-observing mission, Senator Molson had questions about my experiences and impressions of a particular part of the world.

I want to recall a little story. Some honourable senators may recall the late Danny Gullivan, who in his brilliant broadcasting career gave verbal colour, great imagination and much excitement to the millions of fans who followed the heroics of the Montreal Canadiens in some of the glory years between 1950 and 1984. My friend Danny Gullivan died in 1993. A short time later, some of his friends and admirers agreed that a memorial scholarship fund should be established in Danny's name at St. Francis Xavier University. I was asked to be the general chairman of that fund.

Immediately, I sought out Senator Molson to be the honorary chair. He was quite reluctant. He hesitated at first but promised to get back to me in a few days. When we finally connected, I was in Pakistan to help convince authorities in that country that election observers would be helpful in assessing and confirming to the world the fairness and legitimacy, or otherwise in some cases, of the ensuing election.

• (1420)

In any event, the phone rang in my hotel room. It was my secretary in Ottawa with Senator Molson on the other end of the line. "Where are you, old boy?" he enquired. "I am in Islamabad," I replied.

"You are crazy," he said.

"Do you think I would be crazy, Hartland, if I asked the Molson Foundation for \$50,000 to support the Gullivan Scholarship Fund?" I asked.

Long silence. Then: "I am leaving the country for two weeks next Friday afternoon," he said. "If you can make it to my office in Montreal by Friday morning, we will discuss it."

To make a long story short, by various circuitous routes and many time changes, I presented myself bleary-eyed, but relatively intact for me, to Senator Molson at 10:30 a.m. on Friday. After much discussion about my trip and the scholarship fund, Senator Molson, at the age of 86, personally drove me back to my hotel. We got the \$50,000 and officially launched the campaign on Hockey Night in Canada in one of those memorable encounters between those old rivals, the Toronto Maple Leafs and the hometown Habs.

Senator Molson has been described, as mentioned by Senator Meighen, as the establishment's quintessential figure. He was, indeed, one of the great Canadians of our time. He knew his place and he respected the place of everyone who walked the face of the earth. We salute the memory of this great Canadian, and we extend our condolences to our colleague Senator Meighen and all of the other members of his extended family.

**Hon. Senators:** Hear, hear!

[Translation]

**Hon. Roch Bolduc:** Honourable senators, in my riding that is 100 per cent Francophone, everyone knew the name Molson.

I clearly remember Senator Molson, especially when the Quebec Nordiques were giving a hard time to the Montreal Canadiens. When the Nordiques won, I would wait until Senator Molson was sitting comfortably in his seat and then I would walk by him and say, "Sorry!"

Some will remember that during the tumultuous period when the Senate debated the goods and services tax, the GST, it was difficult to rise and speak. Senator Molson, who supported this measure, waited for his turn until 3:30 a.m.. For 40 minutes, he spoke about the importance of this tax and the fact that although it was not popular, it was necessary for Canada.



My colleagues across the floor, who were sitting in opposition at the time, did not spare him. I was ill at ease, because a man of his age, who was worthy of respect and who was courageous, did not deserve to be almost insulted. I remember that Senator Molson gave his speech, waited for the blues, corrected them and, at 6 a.m., grabbed his hat and left. I thought this was extraordinary.

[English]

**Hon. Francis William Mahovlich:** Honourable senators, it was with great sadness that I heard of the passing of the Honourable Hartland de Montarville Molson. A proud Canadian, his prestigious career in the business community earned him widespread recognition and influence. He was known as a war hero in World War II, where he flew over 60 missions as a fighter pilot during the Battle of Britain. In the political arena, he always stood up for what was in the best interests of Canada and, in the world of sports, this man was instrumental in promoting the game of hockey in Canada as President and Chairman of the Board of the Montreal Canadiens.

Never in my life have I met a person so passionate about the game of hockey. It was his vision and underlying support for the team that helped propel the Montreal Canadiens to five consecutive Stanley Cup championships. Not only was he a great leader for the organization, he was also one of the greatest fans, faithfully attending Montreal home games.

Mr. Molson consistently demonstrated excellence in what I believe to be one of his finest qualities, his people skills. He provided unwavering support to management and players by treating all of us with dignity and respect. It is incredible how a team can come together when management demonstrates vision and courage.

I fondly recall the time when we were trying to form an association in 1957 with players like Ted Lindsay, Jimmy Thompson of the Toronto Maple Leafs, and Doug Harvey of the Montreal Canadiens. I spoke to Mr. Molson about this. There were six owners at the time, five of whom did not want an association at all, and Hartland tried to convince them it was not that difficult. He handled unions with the breweries all the time and never had a problem. However, our association was defeated, and it was not until 10 years later when Al Egelson came in to form an association, that we finally got things together so that we got a decent pension. However, I appreciated Mr. Molson's concern for the players at that time.

A great Canadian, Hartland Molson will be fondly remembered. I wish to extend my sincerest condolences to his family.

**Hon. Joseph A. Day:** Honourable senators, I join my other colleagues in the Senate to pay tribute to Senator Molson. Hartland Molson, as Senator Meighen has indicated, was a graduate of the Royal Military College. He was also the Honorary Chancellor for many years and the Honorary President of the Royal Military College's Club of Canada, the alumni association. One of his favourite activities was the annual

Molson Brewery party that he hosted in Montreal to provide the graduates and the cadets of the military college with an opportunity to understand the brewing process and to, coincidentally, sample the plant's output.

Senator Molson was a lifelong supporter of that wonderful national institution from which he graduated, the Royal Military College. He continued to have many business projects with some of his fellow graduates, such as Billy Bishop, Senator Godfrey and Bud Drury. I join honourable senators along with the cadets, graduates and friends of the Royal Military College, in saluting the life of Senator Hartland Molson.

• (1430)

**Hon. Marcel Prud'homme:** Honourable senators, with the permission of His Honour, I should like, on a future date, to use Senators' Statements to pay homage to an independent senator from Quebec, Senator Molson, who was appointed in 1955, because I did not expect tributes to come today. At that time, I will say a few words about my relationship with Senator Molson.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of Georges Rawiri, President of the Senate of the Gabonese Republic. He is accompanied by Mr. Etienne Guy Mouvagha Tchioba, President of the ADS parliamentary group, Dr. Jean Marie Aganda-Akelaguelo, President of the PGP/RDP parliamentary group, Mrs. Martine Bondo, senator, Foreign Affairs Commission of the PDG group, which is the party in power, Professor Paulin Nguema Obam, President of the Cultural Affairs Commission of the PNB/RPG group, and Mrs. Charlotte Kombila of the RNB/RPG group.

On behalf of all senators, I welcome you to the Senate of Canada.

[English]

## SENATORS' STATEMENTS

### HEALTH

#### TIMELY REVIEW OF NEW DRUG PRODUCTS

**Hon. Shirley Maheu:** Honourable senators, last February the Government of Canada launched its innovation strategy with a goal for Canada to rank among the top five countries in the world in terms of R&D performance by the year 2010.

[Translation]

While this is an ambitious objective, it is possible to do a lot within the framework of existing programs that currently impede such improvements.

[English]

One such program is the Therapeutic Products Directorate at Health Canada. It now takes more than 700 days to review and approve a new drug submission, when Health Canada's own target time is 345 days. That is incredible, given that Industry Canada released its own science and technology strategy in April 2002, stating that, if private firms in Canada cannot get a timely review and approval of new products, they will go elsewhere, thus hindering any possibility of helping Canada rank any higher in the world.

[Translation]

I would like to quote in more detail from this report:

Not only are the economic and scientific opportunities based on those new products lost to Canadians, but so too are the opportunities that are presented by the application of those ideas in society.

For example, persistent delays in approvals of new drugs could convince the drug makers to relocate out of Canada. Canada would lose not just the R&D performed by those firms and the economic returns from the production of the drugs.

But, it is also possible that Canadians needing innovative new drugs could face substantial delays in receiving them.

[English]

Honourable senators, if the Government of Canada wants to achieve its goals through the innovation strategy, it must ensure that all departments are working together. By reducing review and approval times for drug submissions at Health Canada, we can help improve the overall R&D investments from the pharmaceutical industry in Canada, which will help the government bring Canada's standing to the top five countries in the world.

[Translation]

#### BREAST CANCER AWARENESS MONTH

**Hon. Yves Morin:** Honourable senators, October is Breast Cancer Awareness Month. Breast cancer is one of the most serious, distressing and common types of cancer that Canadian women have to cope with today.

[English]

We still do not fully understand what causes breast cancer, but an increasing number of risk factors are being discovered, and that will play a role in the prevention of breast cancer.

Recently, for instance, Dr. Pierre Band, a scientist with Health Canada, has shown that teenage girls almost double their risk of breast cancer later in life if they take up smoking within five years of their first menstrual period. The risk persists even if they quit smoking in their early twenties. This is a very important discovery.

[ Senator Maheu ]

As you know, the incidence of smoking is rapidly increasing among Canadian teenage girls. It is, in fact, becoming, in my opinion, the major issue in women's health.

Similarly, Dr. Christine Freidenreich from the Alberta Cancer Board has recently shown that lack of physical exercise increases the risk of breast cancer by 30 per cent. Even daily walking for a period of 30 minutes is an effective preventive measure.

Dr. Freidenreich is supported by the Canadian Breast Cancer Research Initiative. This organization is a unique partnership of public, private and non-profit organizations, including the Canadian Institutes of Health Research. It ensures a coordinated research program that builds on the strength of all its partners.

[Translation]

It also subsidizes the research of Dr. Jacques Simard, the director of the Laval University hereditary cancer laboratories. Dr. Simard, an internationally known researcher, has demonstrated that there are two genes, BRCA1 and BRCA2, which identify a definite predisposition to breast cancer.

[English]

Honourable senators, there is, at present, no definitive prevention for breast cancer. However, it is through research conducted by researchers, such as Drs. Band, Freidenreich and Simard, that we will win the battle against this dreadful illness.

[Translation]

#### LA FRANCOPHONIE SUMMIT, 2002

**Hon. Pierre De Bané:** Honourable senators, for several days now, the only references made in this Chamber relating to the Francophonie summit recently held in Beirut have had nothing to do with the Francophonie, the tragedy of the Palestinian people, or the causes of the crisis in the Middle East, which has gone on for more than half a century with repercussions that cannot be overestimated. I would therefore like to make a few comments.

At the Moncton summit, the one prior to Beirut, invitations were the sole responsibility of the Canadian government, as was the case in Beirut.

At the Moncton summit, Canada, as the host country, invited all heads of state and of government, without exception, who were members of the Francophonie, regardless of any reservations we might have with respect to some of those invited.

One of the pillars of Canada's foreign policy is that we are opposed to the exclusion of any country whatsoever from membership in international organizations. This basic tenet of our foreign policy is a constant and one we have proclaimed loudly, particularly in favour of Israel.

Sayed Nesrallah is a high ranking Shiite leader and, as such, one of the invited guests from among the dignitaries of 17 religious communities making up the Lebanese social fabric and the Parliament of that country.



It is significant that, while some people are scandalized that the Canadian Prime Minister, along with the premiers of Quebec and New Brunswick, did not leave the hall in which all the leaders from Lebanon were present, including religious leader Sayed Nesrallah, this gentleman was seated immediately next to the Venerable Patriarch of the Melkite Greek Catholic Church, Patriarch His Beatitude Gregorios III Laham, B.S., one of the key figures in the universal Catholic Church.

All heads of state and of government of countries that are traditional allies of our country acted exactly as the Prime Minister of Canada did.

[English]

Canada had a single choice with two options, namely, to do as Prime Minister Chrétien did or to withdraw. Given that Canada had chaired the previous francophone summit, this would have been an enormous faux pas with significant consequences.

Honourable senators, one thing is certain, nothing Canada could have done would have changed the attitude and decision of the Lebanese government to invite the Secretary General of the Hezbollah, which has over 11 members of Parliament.

Finally, honourable senators, this time let each of us accept the urgency to bring an end to the tragedy in the Middle East. All peoples of that region, without exception, must be able to live the life of freedom, safety and dignity. It is only under these conditions that a lasting peace will rein in this region. Boycotting an international meeting will not put an end to a crisis that has reigned for more than 50 years.

• (1440)

[Translation]

## ROUTINE PROCEEDINGS

### PROPOSED REGULATIONS AMENDING THE IMMIGRATION AND REFUGEE PROTECTION REGULATIONS (IN RELATION TO THE SAFE THIRD COUNTRY AGREEMENT) AND REGULATORY IMPACT ANALYSIS STATEMENT

DOCUMENT TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to subsection 5(2) of the Immigration and Refugee Protection Act, I have the honour of tabling copies in both official languages of the document entitled, "Proposed Regulations Amending the Immigration and Refugee Protection Regulations and Regulatory Impact Analysis Statement."

[English]

## TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Joan Fraser:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications. This report outlines the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 113.)

## HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Shirley Maheu:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Human Rights. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 114.)

## NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Lowell Murray:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on National Finance. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 115.)

## NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Colin Kenny:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on National Security and Defence. This report deals with expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 115)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 117.)

### CANADA-EUROPE PARLIAMENTARY ASSOCIATION

#### FIFTH CONFERENCE OF PARLIAMENTARIANS OF THE ARCTIC REGION, AUGUST 11-13, 2002— REPORT TABLED

**Hon. Francis William Mahovlich:** Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association to the Fifth Conference of Parliamentarians of the Arctic Region, held in Tromsø, Norway, from August 11 to 13, 2002.

[Translation]

### OFFICIAL LANGUAGES

#### NOTICE OF MOTION AUTHORIZING COMMITTEE TO STUDY REPORT ENTITLED "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"

**Hon. Jean-Robert Gauthier:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the report entitled *Environmental Scan: Access to Justice in Both Official Languages*, revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to the Standing Senate Committee on Official Languages for study and report; and

That the Committee review the issue of clarifying the access and exercise of language rights with respect to the *Divorce Act*, the *Bankruptcy Act*, the *Criminal Code*, the *Contraventions Act* and other appropriate acts as applicable.

### TRANSPORT AND COMMUNICATIONS

#### NOTICE OF MOTION AUTHORIZING COMMITTEE TO ENGAGE SERVICES

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bill, subject-matters of bills and estimates as are referred to it.

[English]

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

#### NOTICE OF MOTION AUTHORIZING COMMITTEE TO CONTINUE STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on issues facing the intercity busing industry;

That the Committee submit its final report no later than Friday, December 20, 2002; and

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-seventh Parliament be referred to the Committee.

### HUMAN RIGHTS

#### NOTICE OF MOTION AUTHORIZING COMMITTEE TO ENGAGE SERVICES

**Hon. Shirley Maheu:** Honourable senators, I give notice that, tomorrow, Wednesday October 30, 2002, I shall move:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Shirley Maheu:** Honourable senators, I give notice that tomorrow, Wednesday, October 30, 2002, I shall move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.



## NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY NEED FOR NATIONAL SECURITY POLICY

**Hon. Colin Kenny:** Honourable senators, I give notice that, on Wednesday, October 30, 2002, I shall move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent national emergency or attack;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders.

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than February 28, 2004, and that the Committee retain all powers necessary to publicize the findings of the Committee until March 31, 2004.

## AGRICULTURE AND FORESTRY

FINDINGS IN REPORT ENTITLED "CANADIAN  
FARMERS AT RISK"—NOTICE OF INQUIRY

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, on Thursday next, October 31, 2002, I will call the attention of the Senate to the findings contained in the report of the Standing Senate Committee on Agriculture and Forestry, entitled "Canadian Farmers at Risk," tabled in the Senate on June 13, 2002, during the first session of the Thirty-seventh Parliament.

## QUESTION PERIOD

## NATIONAL DEFENCE

AFGHANISTAN—NEWS ARTICLE ON TROOPS  
EXCHANGING SEWAGE TRUCK FOR  
BREAKFAST AND DINNER

**Hon. J. Michael Forrestall:** Honourable senators, we regret the injuries sustained by your most able deputy.

Honourable senators, my question is for the Leader of the Government in the Senate. A *Sun* chain newstory stated that we exchanged our sewage truck for breakfast and dinner. Can the government explain to this chamber why it is that we, a G8 nation, had to depend upon Americans to feed our troops breakfast and dinner in Afghanistan?

• (1450)

I wonder if the Leader of the Government in this chamber, or indeed the Leader of the Government in the other place or any Canadian with any responsibility or pride, can explain why it is that we have to pay for breakfast and dinner for Canadian troops by exchanging the services of our sewage truck? It is outrageous.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. Having read the story, I anticipated that the honourable senator would ask the question. As such, I made the appropriate inquiries. The claim is untrue. There were adequate amounts of food sent for our troops for breakfast, lunch and dinner.

However, it is often the case that we exchange pieces of equipment. That part of the story is correct. When the Canadians learned that the Americans had to burn their sewage, it seemed appropriate to lend them our sewage truck in order to be able to perform that operation.

While I am on my feet, I will answer a question that the honourable senator asked last week about a 10 per cent cut to the reserves. I am assured that there have been no plans and no action taken with respect not only to a 10 per cent cut to the reserves, but to any other aspect of the regular forces.

PRINCE EDWARD ISLAND RESERVE  
REGIMENT—CONDITION OF VEHICLES

**Hon. J. Michael Forrestall:** Honourable senators, I appreciate that piece of news because it was a very alarming suggestion.

I also welcome the news with respect to the methods of payment adopted by the Canadian government in exchange for services extended to us not only by the United States but also by other nations, because the story in the *Sun* media newspaper was unbelievable and somewhat outrageous. However, I am very concerned about the impact of the lack of resources on the Canadian Armed Forces and the reserves in particular, in this case.

Can the Leader of the Government confirm for me that the Prince Edward Island Regiment, a reserve armoured reconnaissance regiment, has no Ilitis jeep vehicles in operating condition? I think there are over 20 of them altogether, but I cannot confirm that. Could she confirm for me, or does she know from her briefings, whether this regiment has been rendered unable to train because of the condition of these vehicles?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must tell the honourable senator that I do not have that information at my fingertips. I also have to say that, in light of a number of other serious questions that he has brought to my attention where none of the information has been 100 per cent accurate, I would doubt that this information is 100 per cent accurate either. However, I will do my best to seek out the information and return it to him as quickly as possible.

**Senator Forrestall:** Honourable senators, if the honourable leader wishes to make gibes like that, she may go ahead. The honourable leader is aware that we sometimes ask these questions so that she might refute them with some degree of accuracy.

Can the leader tell me, if she finds that the Prince Edward Island Regiment is unable to train to the full extent because of its inability to operate its jeeps, the government's intention with respect to this equipment?

**Senator Carstairs:** Honourable senators, I will certainly put the question; the honourable senator has asked it. Obviously, the regiment in Prince Edward Island is an important regiment to Canada; as such, it would be important for it to have the equipment necessary to do the training that must be undertaken.

I must suggest that the honourable senator and I may have a slightly different view of Question Period. When I asked questions in the Manitoba Legislature, I always knew what the answers were.

## PUBLIC SERVICE

### MINORITY HIRING GOAL

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. It arises from a front-page story of yesterday's *Ottawa Citizen*, indicating that the Public Service of Canada will miss its minority hiring goal. More than two years ago, the Government of Canada undertook a plan to correct decades of racism against visible minority hiring in the public service by undertaking a program of hiring one visible minority candidate for every five new hire in the public service. The government approved an action plan and allotted \$30 million for departments to lay the groundwork for one in five of all new hires being visible minorities by March 2003. The public service has warned that they are not anywhere close to meeting that target. Honourable senators, the lackadaisical efforts of this government to ensure equality in promotions in the workplace in the Public Service of Canada are not something that visible minorities or Canadians generally find acceptable.

Will the Leader of the Government outline what extraordinary steps her government is prepared to take now to ensure that the important one-in-five target will be met in the timelines established three years ago, to assure visible minorities their rightful place in the upper echelons of the Canadian public service?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the senator for that. I am beginning to read the opposition members pretty well. There were two questions I asked my staff to research between yesterday and today: one was Senator Forrestall's question and the other one was Senator Oliver's. I know this issue is a deep concern to Senator Oliver; as such, I wanted to have an answer for him if I possibly could.

The task force presented quite ambitious targets. The public service is working extremely hard to meet those targets, although it recognizes that it is going to be difficult. The figures have, however, improved from 5.7 per cent to 10 per cent. That is clearly not the objective we have set for ourselves, so the goal is to work even harder to try to achieve that. It will be difficult, bearing in mind that we must ensure that the merit principle is fully used in hiring. Like my honourable colleague, I believe we can find visible minorities who have the skills, ability and training, to be hired under the merit principle.

**Senator Oliver:** Honourable senators, can the minister explain why the diversity agenda of the government has failed? Madame Mawani is quoted in *The Ottawa Citizen*, as follows:

The expectation was for a whole cultural change. The action plan wasn't just about numbers but rather once you have diversity and representativeness that in itself propels more diversity...It was not seen to be creating momentum to accelerate and propel the diversity agenda of government.

Why has the diversity agenda of this government failed, and what is the Governor in Council prepared to do to correct this injustice? Minister, there are more than 250 associate deputy minister positions in the Public Service of Canada at present, and visible minorities fill less than 3 per cent of them. Will the government take some positive action immediately to correct this deficiency?

**Senator Carstairs:** Honourable senators, the honourable senator talks about diversity, and I certainly agree with him. There is no question among those who are members of my gender that there is a sense within the culture of an organization that, when the numbers increase, attitudes within that organization change significantly. The reality is, however, that DMs and ADMs are not replaced that often. They are usually replaced from the ranks, and are usually replaced by individuals who come from just underneath that level. What we need to accomplish within the representation of our visible minorities is to increase the base level of representation in our community of public servants. That is gradually being achieved, as I indicated in my answer to the first question, with growth from 5.7 per cent to 10 per cent. We need to get much further than that, to reach a goal of one in five, as he has indicated. However, honourable senators, it will take some time. I do not think we have failed.



• (1500)

It will take some time, honourable senators. We have not failed. We are moving toward that objective, one that will take us longer to reach.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Is it not true that the appointments of deputy ministers are made by Order in Council?

**Senator Carstairs:** The honourable senator is absolutely correct, but the appointments are made on the basis of merit and experience.

**Senator Kinsella:** Why has this government not chosen a more realistic objective, such as 25 per cent of all deputy minister positions, and use its Order in Council authority to go out and search Canada for candidates? The government may not find, to use my honourable friend's terminology, the qualified persons within the current ranks of the Public Service of Canada, but would she not agree that they would be found in Canada?

**Senator Carstairs:** I would agree that we would find them in Canada. The government also wants to ensure that the public service is an operating institution that rewards those who have performed well within our institutions. The government wants to see that growth rises from the bottom.

As the honourable senator knows, a serious problem has been the retention of good public servants. One way that the government can ensure employee retention is to ensure also that those employees know there is movement for growth.

**Senator Kinsella:** Surely the minister would agree that employee retention is enhanced if the participants in the service recognize that there is no glass ceiling, whether it is confronted by women in the public service or by members of visible minorities. Would the minister agree that affirmative action, employment equity, is simply that: government making a positive decision to find the people in order to break down the systemic discrimination that, frankly, we have not been able to break down in the past 10 years?

**Senator Carstairs:** As I indicated in my responses to the Honourable Senator Oliver, we are breaking it down, which is why we have gone from 5.7 per cent to 10 per cent and are aiming to reach higher targets.

## FINANCE

### REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

**Hon. David Tkachuk:** Honourable senators, I rise to make reference to a story in today's *The Globe and Mail*, entitled, "Ottawa kills bank merger talks."

By way of letter, Finance Minister Manley has asked for the advice of and is consulting with the Standing Senate Committee on Banking, Trade and Commerce and the Standing Committee on Finance of the House of Commons regarding the impact of bank mergers on the public interest. Today, *The Globe and Mail* reports that the Prime Minister's office killed merger talks between the Bank of Nova Scotia and the Bank of Montreal. Who is in charge of government policy regarding these matters? Is it the bureaucrats and the political officials in the Prime Minister's office or is it the Minister of Finance?

**Hon. Sharon Carstairs (Leader of the Government):** Clearly, honourable senators, the Minister of Finance has not written to the Senate committee and the House of Commons committee without some consultation with the Prime Minister.

What is being requested, and what I know the Senate Banking Committee and the House of Commons Finance Committee will undertake, is a study of a specific interpretation of the policy on bank mergers.

The news story citing that anything has been cut or killed is not accurate. The government has determined that it wants both committees to study the issue.

**Senator Tkachuk:** Honourable senators, the Minister of Finance has sent a letter requesting to consult with the Senate committee, but the committee has not yet met to discuss the request. To assist honourable senators in their deliberations as to whether we should agree to this request, or whether we should even look at it, my question is in respect to the specific government policy.

Will the minister undertake to obtain a letter from the Prime Minister's Office clarifying this policy? We are very interested in this subject. Talk of a bank merger or no bank merger has a profound effect on the stock market. No one knows what is going on. The market is going up with one comment and down with another. I do not think that is good for investors. There appears to be no clear policy.

Would the minister write a letter to the Prime Minister asking him to clarify whether this story is true? Are bank mergers off until the Prime Minister leaves office, which, as far as I am concerned, cannot be too soon, sometime in 2004?

**Senator Carstairs:** Frankly, honourable senators, that request is redundant. The government policy is clear. The government policy is that set forward by the Minister of Finance. He has requested that the Standing Senate Committee on Banking, Trade and Commerce and the House of Commons Standing Committee on Finance define the broad public interest that they think mergers would serve. That is what the Senate committee has been asked to do. As the deputy chair of that committee, I hope that is what the honourable senator will agree to do.

**Senator Tkachuk:** What is the government's policy on mergers?

**Senator Carstairs:** Honourable senators, the government has asked for further clarification from a Senate committee that did excellent work in the past on bank mergers and has asked for the finance committee in the other place to do the same kind of excellent work. The two committees are to present that information to the Minister of Finance as soon as possible so it can become part of the guidelines.

## THE SENATE

### REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, since when does a Senate committee become an extension of a government department? I understand from the original reply of the Leader of the Government, that she understood that the Standing Senate Committee on Banking, Trade and Commerce would take on this responsibility. Does that mean they are to interrupt their current work and abide by the wish of the minister? I find this rather repugnant, frankly.

Senate committees are to be independent of government, including the examination of government legislation. I completely object to any assumption that a Senate committee will automatically do something because it received a request in a letter from the Minister of Finance.

**Hon. Sharon Carstairs (Leader of the Government):** I met yesterday afternoon with the Chair of the Standing Senate Committee on Banking, Trade and Commerce. I probably misunderstood what the chair had said to me. He came to me and indicated that this request had been made of the Senate Banking Committee. I indicated that if there was a willingness, on the part of committee members, to study the request, I hoped that they would proceed.

## FINANCE

### REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

**Hon. David Tkachuk:** Normally, I do not ask more than two questions, but this is a very confusing subject for me. Judging from what the minister has said, I still have no clue as to the government's policy on bank mergers.

Minister Manley also issued a press release citing that the Senate committee would be studying this matter, yet no agreement had been given by the committee confirming that it would have a look at it. I do not know if the committee will look at this matter or not. That is for all of the members of the committee to decide. The committee has been asked to consult, which was nice of the minister, and committee members will meet to discuss the issue.

Perhaps the minister can explain how all of this came to pass and give this chamber some guidance as to the government's policy because some honourable senators are not really sure.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators have, in the past, conducted very thoughtful and considered studies on the issue of bank mergers. They went on

to state to the Minister of Finance that they wished to be consulted before any further evolution of policy was developed with respect to those same mergers.

The Minister of Finance has made a request of the Standing Senate Committee on Banking, Trade and Commerce — he has not ordered or demanded — because of the committee's indication that it wishes to study any future policy initiatives in this area.

The minister has asked the committee to conduct public hearings into the broad public interest issues that are raised by specific merger proposals with a view to clarifying, in particular, the public interest and what the Senate Banking Committee thinks, through their thoughtful consideration, would be the public interest.

If the Senate Banking Committee chooses not to study bank mergers, then that is the choice of that committee. However, I can imagine the criticism that would be raised in this chamber if the committee had not been asked in the first place.

## AGRICULTURE AND AGRI-FOOD

### DROUGHT IN WESTERN CANADA—INFLUENCE OF CURRENT WEATHER CONDITIONS ON CROP INSURANCE

**Hon. Leonard J. Gustafson:** My question is to the Leader of the Government in the Senate.

In addition to the drought that has hit a great deal of the Prairies, we now have the unfortunate situation of a blanket of snow covering most of the area. In certain regions, approximately one-third of the crops have not been harvested. Has the government given any consideration to or is it even aware of this problem? Will consideration be given to this situation?

**Hon. Sharon Carstairs (Leader of the Government):** I believe all of us who live in Western Canada would have been happier if the snow had come a little later than it did because snow, as the honourable senator knows even better than I do, is a very necessary part of the water table development in Western Canada. Snow in and of itself is good. Snow at this particular point in time is not particularly good. The government, as the honourable senator knows, has introduced \$600 million in transition funding. There is no other movement afoot at this particular point to add to that package.

**Senator Gustafson:** Honourable senators, the problem which exists is this: If a farmer has crop insurance, but does not harvest his crop, he does not receive crop insurance. His crop must be harvested before he can receive a crop insurance payout, as meagre or as bountiful as the crop may be. This is a most unusual situation. I cannot recall when we have had snow at this time of the year and the kind of temperatures we have had, that is, 10 to 12 degrees below normal. This is a serious situation.

Would the minister discuss this matter with the Minister of Agriculture, with the cabinet and, at the same time, make the Prime Minister aware of it? I know this is a recent occurrence, but it does merit some consideration and understanding.

**Senator Carstairs:** Honourable senators, I will certainly bring Senator Gustafson's concerns to the cabinet.



[Translation]

## ORDERS OF THE DAY

### TAX CONVENTIONS IMPLEMENTATION BILL, 2002

#### THIRD READING—ORDER STANDS

**Hon. Fernand Robichaud (Deputy Leader of the Government)** moved the third reading of Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.

[English]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I would repeat my earlier comment. I wish to comment on the bill tomorrow and not today.

On motion of Senator Lynch-Staunton, debate adjourned to the next sitting of the Senate.

### CRIMINAL CODE FIREARMS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

**Hon. Charlie Watt:** Honourable senators, I believe that Bill C-10, as it relates to cruelty to animals and firearms needs to be addressed. I do not think any of us would condone cruelty to any animal.

From time to time, animal rights groups apply pressure to us to say and do things that we would not normally say or do. I believe that, today, we are being pressured regarding the question of cruelty to animals.

Honourable senators, and in particular Senator Joyal, have already said that this bill is not easy to understand because it involves matters that are not directly related to cruelty to animals, such as the requirement for amendments to the Firearms Act. I am of the opinion that amendments to the Firearms Act should be dealt with separately. They should not be a part of this bill.

As honourable senators are probably aware, the people that Senators Adams, Chalifoux, Christensen and I represent are people who live with a lot of stress in their environments. I believe that passage of this bill will add to the stress of those people who hunt and utilize animals as part of their livelihood. All Canadian citizens, regardless of whether he or she is an Inuk, an Indian or a Metis, have the protection of the right to life under the Constitution. At times, I feel proper justice is not being

administered. I blame that on no one. Much of it has to do with the fact that Aboriginal people took what they had for granted. Pressure was applied from outside, and the government reacted by moving in and trying to improve certain situations which relate to us. From time to time, however, they make greater mistakes than they should.

Honourable senators, the measures contained in this bill will be hard to apply. Knowing what I have in my backyard, and knowing how the people in the North live, I believe that enforcement of this proposed legislation will cost a lot of money. I do not think that there are enough police in this country to police every part of it in order to enforce the proposed provisions of this bill.

If the government seriously thinks that this is a matter that requires legislation, why would it not restrict itself to dealing with animals that are in captivity and not the wild stock? When I say "wild stock," I am referring to wild animals. According to Senator Joyal, there is no distinction made in the bill between those two classes of animals. To pass this bill would be very dangerous.

This bill should be carefully and thoroughly studied and fleshed out so that we can understand, once and for all, what this measure is supposed to do. The government does not pass a law for the sake of passing a law, and without knowing what they are doing. If it was a mistake to push this measure forward, we can understand that mistakes are made, and we can correct that. Senate committees are ideally suited to make that sort of determination. Honourable senators, this bill seems to be all over the map. It appears to be unworkable and it will end up costing a lot of money to implement. I would remind you that we still do not know the effects of Bill C-68, which implemented the gun control measures.

Recently, in my small community, I was notified that the police enforcement officers are seriously contemplating going into the warehouses of citizens because certain rifles have been used to kill people. That, honourable senators, will put added stress on our people. That situation still has to be rectified, and has not been rectified as a result of this measure.

Honourable senators, I encourage you to seriously consider this proposed measure. I know that no one wants to be cruel to animals.

• (1520)

You have probably seen pictures in *National Geographic* or a film from the National Film Board showing an Inuk person seal hunting on flat ice. What do we look for in the flat ice? We do not see seals; we will look for breathing holes; and we identify those breathing holes. They are about the size of my finger. We have to use harpoons; we cannot use rifles. If we use a rifle, we lose the seal, and that is a waste. We also use harpoons when we are whale hunting. Why do we use a harpoon rather than a rifle? It is so that we do not end up losing the whale.

Will the traditional equipment that we still use today and which is important to us be outlawed by this measure? If that is to be the case, then it means that, although the Constitution states that we have the right to life, it does not apply to the Inuit in the North.

I hope honourable senators will take this matter seriously.

**Some Hon. Senators:** Hear, hear!

**Hon. David Tkachuk:** I have a question for the Honourable Senator Watt, if he will permit one.

**Senator Watt:** Certainly, honourable senators.

**Senator Tkachuk:** Senator Watt began to touch on the heart of the matter towards the end of his speech when he talked about the seal hunt and the whale hunt. Does the honourable senator have a lot of concern about the courts' interpretation of what is cruel to an animal? What may seem cruel to city folk who only worry about trapping a mouse here or there is very different from what rural people, farmers and others go through in order to put meat on the table. I would like to know more about the honourable senator's concern about what the courts may do in interpreting the definition of cruelty and how that will affect, especially, the people in the Northwest Territories, Northern Quebec and other parts of Canada who hunt for sustenance or who make their living in this way.

**Senator Watt:** Honourable senators, I thank Senator Tkachuk for his question.

The honourable senator is right. I am worried about it. I only put forward two examples of what this law could mean. I am not even sure whether we will be able to catch and release fish. That will probably be considered to be cruelty. That will not only affect my people but also outfitters across the country. That is one area of concern.

In answer to the honourable senator's question as to whether or not I worry about the Supreme Court of Canada having a role to play to come up with a definition of cruelty, I would say that, yes, I do worry about it. From time to time, they have been asked to come up with an interpretation when there is uncertainty about the definition in a statute. This is important. It could create all sorts of further stress for the people we represent. I believe we should do what we can to fix the bill, if we can. If we cannot fix it, I think we should kill it.

**Hon. Marcel Prud'homme:** Does not some of the difficulty arise from the fact that there is a great lack of education among Canadians of what Canada is all about? This is not the first time that we have gone through this debate. Is it not the role of the Senate, in the view of the honourable senator, to be able to stand up and say, as well as some organized lobby would say it and with as much pressure as a lobby could exercise, that we in the Senate, in our wisdom, will take our time and determine who is affected by this bill and then vote accordingly? Is it not a fact that we do not understand what this country is all about and what the true role of the Senate is in this federation of ours?

**Senator Watt:** Honourable senators, I could answer the honourable senator in many different ways in regard to his question as to whether the general public of Canada has a good understanding of what this country is all about. One of the

reasons I accepted my appointment to the Senate by Pierre Elliott Trudeau was because I recognized that the role of the Senate is to represent minorities and the regions. That mandate sat well with me, so I accepted the appointment I was offered.

How can we educate the general public of Canada so that they understand their responsibilities? We must start here. The Senate is a perfect instrument with which to deal with these issues, not only in passing, but in depth. If one day the Senate is televised, we may have a way to educate the general public of Canada. The House of Commons does not seem to have the same kind of global village attitude that is held by Senator Adams, Senator Chalifoux, myself and others. We can speak freely here. That is not the case in other place at times. I agree that this is the place to educate the public.

**Hon. Anne C. Cools:** I rise to speak to second reading of Bill C-10 to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. In 1995, the government and then Minister of Justice Allan Rock placed Bill C-68, the Firearms Act, before us. That bill passed despite strong opposition from many members of the House of Commons and senators, myself included. In fact, here in the Senate, the government supporters refused to allow any amendments to Bill C-68. Since then, this new Firearms Act has proved to be a complete failure. Politically, its adoption cost the Liberal government many House of Commons seats and has caused what may be irreparable damage in Western and Eastern Canada, particularly in Alberta.

Many Liberal members of Parliament now regret their support of the bill. One such member gave a speech in Ottawa to the Financial Management Institute on October 22, 2002. The member for Sarnia-Lambton, Mr. Roger Gallaway, stated:

A good example of unchecked policy nonsense becoming law is the federal gun registry, a piece of legislation I today regrettably supported. As a policy framework the objectives of that bill were handed over holus bolus to the "experts" at the federal Firearms Centre.

For 85 million dollars, according to the testimony of departmental experts, a gun registry would be put in place that would trace the flow of guns in Canada. This would be a real check on the flow of weapons to those with criminal tendencies. Several years and perhaps one billion dollars later the bill is a shambles — it is a joke. You in this room know something about financial projections, flow sheets, costing and estimates. Can you imagine being out on an estimate by 1250 per cent or being twelve and a half times wrong?

*The Edmonton Sun* reported on Mr. Gallaway's speech in an October 23 article by Andrea Sands headlined "Grit MP blasts gun legislation" and in another article by Mike Jenkinson on October 24 headlined, "Roger That, Roger."

There are many members of Parliament like Mr. Gallaway. However, their concerns are unheard today as they were unheard in 1995.



Honourable senators, the extravagant cost of Bill C-68, and particularly the firearms registry, has been repeatedly raised in the Senate and in Senate committees, all with no response from the current or former Minister of Justice. On November 21, 2001, in the Standing Senate Committee on National Finance, during an examination of the Supplementary Estimates (A) 2001-02, the witnesses were Treasury Board officials. Senator Terry Stratton asked a question of Mr. Richard Neville, the Deputy Comptroller General of the Treasury Board Secretariat, saying:

When will we quit spending money on guns? What are we at now as a total number? You are now asking for a staggering sum of \$158.6 million in new appropriations. The minister responsible at the time — the Minister of Justice, Mr. Rock — sat in that very chair and promised us that it would be no more than \$85 million. What are we at now?

• (1530)

Senator Stratton added:

The concern I have is that this is \$689 million, which is virtually \$600 million more than the minister promised it would be. How can someone be that incredibly wrong?

Honourable senators, the National Finance Committee's tenth report presented in the Senate on December 4, 2001 reported on this burgeoning expenditure on the firearms program and on senators' concerns. It read:

The Committee noted that additional funding in the order of \$158.6 million (an increase of 51.5 per cent) is required by the Department of Justice to cover its operating expenditures. The largest proportion of the increase (\$90.5 million) is dedicated to the Canadian Firearms Program. A smaller but significant amount of \$26.6 million is allocated to cover the additional cost for unique legal cases. The costs surrounding the Firearms Control Program continue to be of concern to Senators. Since inception, the overall cost of implementing the program, including current planned spending, will reach \$689.67 million.

On December 11, 2001, Senator Lowell Murray, the Chairman of the National Finance Committee, while speaking in the Senate to the motion for the adoption of that tenth report said:

...the officials let us know that this would bring the overall cost of the program to \$689.6 million. It is reaching for \$700 million. This is a program in respect of which Parliament and the country was told by the then Minister of Justice, Mr. Rock, that it would cost \$80 million and would be recoverable.

Honourable senators, this ministry ignores senators' concerns and Senate reports.

Honourable senators, the Minister of Justice and the government have never accounted for this and have never provided any explanation to Parliament. They do not seem to think it is their duty. Further, they are now galloping forward with new amendments to this bad legislation and are about to create a firearms commissioner in Bill C-10. This is unconscionable.

On October 22, 2002 the government sponsor of Bill C-10 in the Senate, Senator Mobina Jaffer, adopted the posture that was held in 1995 by the then Minister of Justice, Allan Rock, and the then Secretary of State for the Status of Women, Sheila Finestone. This government's approach was that the firearms program was a function of the oppression of women, particularly women's risk for domestic violence and homicide from men, their spouses and mates. The government's gender feminist mantra of 1995 was that Canadian women live in a constant state of fear of imminent death inflicted by men with firearms in their homes. This mantra was repeated by the government supporters in certain radical gender feminist organizations as they were trotted out, one after the other. Senator Jaffer is relying on the tired and fallacious assertions that evil, vice, aggression and violence are the domain of men, and that virtue, goodness and light are that of women. The gender feminist assertion is that women are morally superior to men, and that men are morally inferior to women, or that men are morally defective.

In 1995, Minister Rock told us repeatedly that firearms was a gender issue, a women's issue, and that spousal and domestic violence against women was a major reason for Bill C-68 and the firearms registration scheme.

On April 13, 1995 the *Toronto Sun* reported on Minister Rock's meeting with the Ontario Women's Liberal Commission. The article headlined, "Women at risk: Rock," and quoted Minister Rock as saying:

There are women who are at risk in their homes and police didn't have the information or the tools to protect them.

That is why they needed the tools to register all firearms.

Sheila Finestone, the then Secretary of State for the Status of Women, also echoed this. On December 6, 1994, in her news release titled, "Government committed to better protection for women and children," Mrs. Finestone said, "Firearms control is a life and death issue for women in Canada."

The debate on Bill C-68 was falsely and wrongly framed as a gender issue. The debate was permeated with emotionally-laden appeals to our natural abhorrence of violence, and to our natural repugnance of violence in intimate and family relations. These draconian measures were advanced amidst a swirl of hollow and false assumptions couched in the notion that women must be protected from men and from the patriarchy. At the time, honourable senators will remember, I described it as, "patriarchal nonsense."

The rights and liberties of Canadians have been violated in the name of misguided policy, policy that is mere social engineering built on a foundation of scientific fiction. Social engineering and gender feminist ideology had been the base of this public policy. It is therefore, honourable senators, no surprise that these policies and laws are failing and collapsing under their own weight of fiction.

Honourable senators, on October 22, 2002 Senator Jaffer told us that, "A vast majority of domestic homicides are committed with rifles and shotguns." Does she mean more than half of what, of 5, 10, 100 or 10,000 persons? She also said, "This is why any practical approach to domestic violence must include proactive action regarding shotguns and rifles."

Such language is statistically and scientifically vague and elastic, but is emotionally provocative. Such vagueness obfuscates and confounds the issue, issues that are difficult and complex. Further, it is a difficult task to discover the actual numbers of domestic homicides by firearms from gender feminist advocates, or from ministers of the Crown.

I have queried feminist advocates and cabinet ministers and even Senator Jaffer, trying to find out the actual quantum of women about whom they make these claims; in short, to discover the actual number of women.

Honourable senators, I shall now record the actual numbers of homicides obtained from Statistics Canada's Canadian Centre for Justice Statistics for the year 1994, which data was the most current data when Bill C-68 was then before the Senate. In 1994, the total number of women killed by spouses or intimate partners was 77; that is, killed by all methods of killing. Of that 77, the actual number of women killed by shooting, by firearms, by spouses or intimate partners was 23. Twenty-three, honourable senators, is this magical number.

Honourable senators, I want you to know that I spent many hours, days and weeks sieving through Statistics Canada data to obtain that number. It was a number that if you looked through the entire debate on Bill C-68, you would never find it except in my speeches.

Statistics Canada defined "spousal and other intimates" as "spouse, legal and common-law, separated, divorced, boyfriends, extramarital lovers and estranged lovers."

Honourable senators, in total of 77 women were killed by spousal and intimates in 1994. The grand total of all homicides by all causes was 596. Of that 596, 196 were killed by firearms, that is, by shooting. Therefore, simple Grade 1 arithmetic tells us that 400 homicides were committed not by shooting, a figure double that by firearms.

Honourable senators, I shall provide a breakdown of the causes of homicides for that 400. Of this figure of 400, 154 were killed by stabbing, 106 by beating, 83 by strangulation, 51 by other means, and 6 from unknown causes. Of these 196 homicides by shooting, I wish to further say that 157 were males and 39 were females. Of the 39 females killed by shooting, as I said before, 23 were killed by either a spousal and other intimate using a firearm. Therefore, when Senator Jaffer said, in her context of violence against women, because this debate seems to always go forward in the

context of violence against women, "A vast majority of domestic homicides are committed with rifles and shotguns," the imagery conjured up is of hundreds, if not thousands of women. In fact, in 1994, of the total 77 women killed by spousal and other intimates, 23 were killed by firearms by their spousal and other intimates.

• (1540)

Honourable senators, I invite the Minister of Justice to address this question of domestic homicides of women by using science, and without using social engineering and without using gender ideology. In 1995, Minister Rock expected us to believe that Bill C-68 came about as a result of the terrible murders of women. The fact is that 157 men were murdered by the same terrible means. Let us understand that what we are talking about here is a terrible thing. In fact, the evidence shows that men are shot in far greater numbers than are women, and are killed in greater numbers by other means as well. The evidence also shows that most homicides do not involve firearms but are by other means, as explained earlier, stabbings, human hands, beatings and so on. I invite the current Minister of Justice, Mr. Cauchon, in our committee hearings on Bill C-10, to place the foundation of this policy before the Senate, because it is clear that the protection of women from their mates is not now and never has been the reason for Bill C-68 or is not now the reason for the amendments contained in Bill C-10. The evidence presented by the government does not support this; in fact, the evidence points in the opposite direction.

Honourable senators, about domestic violence, I shall say here that the American scholars of domestic violence, being Drs. Murray Straus, Richard Gelles, Susan Steinmetz and Jan Stets, all tell us that the domestic assault rates of men and women are equal and that mutuality, symmetry and reciprocity are the norm — men and women hit each other at equal rates. The research by these scholars has found that men and women initiate and perpetrate violence at the same rates. Their data and conclusions have been replicated and confirmed in Canada by the Canadian scholars of domestic violence, particularly the research of Drs. Merlin Brinkerhoff, Kim Bartholomew, Donald Dutton, Eugen Lupri and Reena Sommers.

Honourable senators, in 1971, my dear friend and associate Erin Pizzey opened the very first shelter in the world for battered women. She did this in Chiswick, near London, England. In 1974, she authored the famous book *Scream Quietly or the Neighbours Will Hear*. In the July 5, 1998, United Kingdom's *Observer* newspaper, an article entitled "Men are strong, men are bullies and men are violent. Men don't cry when their wives beat them up — this is the unreported face of domestic violence," Erin Pizzey wrote about the women at her refuge. She said:

...of the first 100 coming into the refuge, 62 were as violent as the partners they had left.

Honourable senators know that Erin Pizzey and I were two of the world's front-runners in the field of domestic violence.



Honourable senators, may I have leave to complete my remarks?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Cools:** Honourable senators, it is time —

**The Hon. the Speaker:** Senator Cools, Senator Robichaud has stood.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am in favour of granting whatever time the Honourable Senator Cools needs to conclude her remarks.

[English]

**Hon. Herbert O. Sparrow:** Is His Honour including questions that may be asked?

**The Hon. the Speaker:** No. The effect of Senator Robichaud's condition, in effect, of granting leave — his was the only voice that I heard — was that the time is extended for Senator Cools to complete her remarks. My interpretation of that would be that it would not include questions.

**Senator Taylor:** Could His Honour repeat that?

**The Hon. the Speaker:** There are some other senators who wish to —

**Senator Cools:** I should like to know the basis of the rules in this place for any senator's comments to be interrupted in this way by a debate. I should like to know the basis in these rules, if it could perhaps be explained to me.

**The Hon. the Speaker:** The situation we find ourselves in, Senator Cools, is that at the expiry of your time I asked honourable senators — to be more precise, you asked honourable senators — if leave would be granted for you to continue. Senator Robichaud —

**Senator Cools:** That was granted, Your Honour. It seems to me that the rules provide for a —

**The Hon. the Speaker:** Senator Cools, I would ask you to let me complete my comments, which are in response to your question to me.

**Senator Cools:** This is a joke.

**The Hon. the Speaker:** Senator Robichaud rose. The practice here is if there is a dissenting voice to the request for leave, leave is not granted and as such there would be no permission to continue. I believe Senator Robichaud clearly stated that he was in agreement to give leave for you to finish your remarks. I could be wrong; therefore, I hope Senator Robichaud will rise, when I take my seat, to correct me if I am wrong.

Senator Sparrow then rose to ask whether the interpretation I have just given was correct, and, in effect, I said yes to Senator Sparrow. Senator Prud'homme has risen, and I would give him an opportunity to be heard because really what we are looking at, Senator Cools, is a question of whether you are to be given leave to continue and, if so, whether there are conditions attached, and I gather that there are.

Senator Prud'homme, did you wish to speak and then I will give the floor to Senator Cools on this matter?

**Hon. Marcel Prud'homme:** Honourable senators, I shall be brief. I would have hoped that Senator Robichaud, knowing how strongly some senators feel about this, would also include questions. I will not have any questions; I will speak in due time. However, this place is a house of debate, and this is a very important piece of legislation, as are many others. Some senators have stronger views than others and, as such, will take a little longer. I think senators have understood that by agreeing to grant leave. However, questions are also very important in order to complete a good debate, and I am sure Senator Robichaud will agree that questions will be included.

**The Hon. the Speaker:** Senator Cools is certainly right that this is not a matter for debate. In any event, Senator Robichaud has been invited to reconsider his position.

[Translation]

**Senator Robichaud:** Honourable senators, having to rise from time to time to give consent is not something I am fond of doing. In order to ensure that as many senators as possible can speak, we have accepted this practice, however.

When an honourable senator has nearly finished speaking, we agree to give him or her a little longer so that he or she can finish. I have had a lot of comments on this. We have a duty to be consistent, if we want to continue this practice and if we do not want the debates to go on and on.

For consistency, I must stick with the consent, with reservations, I have just given.

[English]

**The Hon. the Speaker:** It is not a debateable matter, Senator Sparrow. However, because you are a very senior senator, I will hear you.

**Senator Sparrow:** Perhaps Senator Cools might permit me —

**Senator Cools:** I am going —

**The Hon. the Speaker:** Senator Cools, you have leave to proceed to finish your remarks.

**Senator Cools:** I think what is going on here is extremely improper and unparliamentary. The fact of the matter is that the rules are very clear, which is that if a senator wishes to have an extension of time he or she puts a question to the rest of the Senate, to all the senators, not to the Speaker and not to the Deputy Leader of the Government.

• (1550)

The question is one to be resolved between the individual senator and the rest of the senators. I put my question as clearly as I could to honourable senators. I distinctly heard them give consent. As far as I am concerned, that was the end of the matter. At that point I should have been permitted to complete my remarks in peace without the record showing a collection of this senator and that senator jumping up and down and putting in a few words during a speech that I took some considerable time to prepare.

Honourable senators, the fact is that we are here to debate. If some honourable senators do not want to endure a bit of debate, that is okay, they can leave. If they do not want to listen to other senators, they can leave.

**Some Hon. Senators:** Hear, hear!

**Senator Cools:** The chamber is for those who wish to debate issues. This is a fundamental issue that has been put before us. There are radical and revolutionary proposals in this bill. Senator Watt was absolutely right when he spoke about it. This is a bill that is deserving, demanding and compelling of our attention. As far as I am concerned, the time that we are giving it is insufficient. Honourable senators, I was talking about domestic violence. When you read your interjections on the record, you will see how poorly it looks.

Honourable senators, I was talking about Bill C-10 and the foundations of Bill C-10 and Bill C-68. I was speaking on the issues of the phenomenon of social engineering and the manipulation and use of the terrible tragedy that is domestic violence as a means of advancing what I would consider to be certain social engineering.

Honourable senators, it is time for this government to admit that aggression, violence and homicide are human problems and not gender problems. It is time for the Minister of Justice to admit that this failed gun registration policy is not about public safety but, rather, about a government seeking inordinate control and surveillance over its citizens, and about a government seeking to establish itself as the sole custodian of firearms and the sole custodian of the instruments of force, even unto that government destroying civil liberties, destroying the rural ways of life and destroying Canadians' natural interaction with nature and outdoors as the hunters and the anglers have experienced for centuries.

Honourable senators, I move now to those clauses of Bill C-10 that will address cruelty to animals and will amend the Criminal Code. I operate on the assumption that cruelty to animals and the violation of animals is something that concerns us all very deeply. I think that all honourable senators would be concerned with humane responses.

Of particular interest are the issues that Senator Joyal raised before, namely, the new provisions of the Criminal Code that Bill C-10 will create and, in particular, the new kind and quality of offences. Currently, the Criminal Code treats of offences

against the person and treats of offences against property. Currently, the sections on property include provisions about cruelty to animals. I believe those provisions are dealt with around section 446 of the code.

Bill C-10 will create a new category of offended, that being animals, and it will also create the consequent offences against animals. Bill C-10 proposes sentences for these new offences against animals that will match sentences for crimes such as infanticide, with its maximum penalty of five years. This bill provides that there would be a maximum penalty of five years for particular crimes against animals, while the same Criminal Code provides no protection whatsoever for crimes against pre-born human children. This approximation will, of necessity, demand an examination of the relationship between these new animal provisions and the absence of provisions in the Criminal Code for the protection of pre-born children.

Honourable senators, it is time to examine these important questions and to study the role of the Criminal Code in protecting animals, in protecting pre-born humans and in protecting the newly born.

**The Hon. the Speaker:** Honourable Senator Tkachuk, I believe that the record is clear. Senator Robichaud rose when leave was asked to extend Senator Cools' time, and he made it clear at that time and in a subsequent intervention that leave was granted on condition that it was leave only for Senator Cools to complete her remarks. If Senator Cools wishes to ask for further leave, I suppose that would be in order.

**Senator Cools:** I understand that senators would like to ask me questions. I would be happy to receive those questions, and I would be happy to answer.

**The Hon. the Speaker:** Is leave granted for questions to Senator Cools?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Leave is granted.

**Hon. David Tkachuk:** When the honourable senator raised the issue of the incidence of the commission of murder in 1994, I believe she said that 23 women were murdered by firearms.

**Senator Cools:** By spousal and other intimates.

**Senator Tkachuk:** Of that 23, does the honourable senator have the numbers as to the murders that were committed by revolvers or hands guns versus long guns? We already have one of the most stringent firearm protection practises for handguns in the world.

**Senator Cools:** Yes, we do, and I am sure that most of us are very well aware that this country already has probably one of the most stringent gun control regimens. I am aware of the number the honourable gentleman is asking about, since I did some research into that in the past. However, I do not have it here with me, although I do have just about everything else.

**Senator Tkachuk:** If that information could be forwarded to my office, I would appreciate it.



**Senator Cools:** I would be happy to do that. Honourable senators should clearly understand that I was dealing with 1994 statistics because that was the last complete year of data that was available at the time Bill C-68 was introduced in the Senate. The data at the time was current. If you will recall, I said in my remarks just a few moments ago that the number of women killed by firearms by intimates was 23. Another bit of data that showed up in that same year was that the number of babies killed under age 12 months was 27.

I have heard numbers like, "60 per cent of," and phrases such as "a great majority of." Is it 60 per cent of 3 or 60 per cent of 10,000? However, when I studied mathematics and when I studied these kinds of phenomena, I was always taught that proportion is only worth something if you are given the absolute number. Therefore, when you hear 60 per cent of this, it could be 60 per cent of two, or six, or three. It would be helpful if the government, in particular the Minister of Justice, would try to clarify this record once and for all. There is no subject matter on which there is more confusion and opprobrium in this country than on this question of domestic violence.

The Government of Canada, right now in the person of Minister Cauchon, has a duty to clean the slate and to put the proper facts before us. I have never been able to understand how Minister Rock was so successfully able to convince so many members of Parliament and senators in this chamber that the question of firearms was a gender question, when the data shows that the clear majority of people afflicted or dying by firearms are men.

I did not address the number of firearm deaths by suicide. Those are murders, too. We are now living in a community that seems to have had its history vanish and has separated itself or ruptured itself from its own legal tradition. The fact of the matter is that that is what suicide is. I can see Senator Kinsella looking at it. It was called self-murder and until quite recently it was illegal.

• (1600)

Volumes have been written on the phenomenon that suicide is self-murder, and every one of us has a collective public interest in each other's lives. I did not touch on that at all.

Honourable senators, it would be helpful if the minister could attempt to bring some clarity to this dark area because it is such a painful area. Make no mistake. I worked in the field of domestic violence for many years, and it is a difficult and unpleasant area. Most of us are shocked and horrified by it. When a piece of legislation is advanced in that context, it makes it difficult for opponents to cut through the confusion. The confusion has been vast, as has the obfuscation. I am hoping that this committee, under the chairmanship of Senator Furey, will use that very able scalpel mind of a chairman to cut through much of the rubbish.

**Senator Sparrow:** The honourable senator made reference to the Standing Senate Committee on National Finance and perhaps some other committees working on this matter. She mentioned that there would be some cost recovery so that the program would not cost the taxpayer any money.

**Senator Stratton:** Eighty million dollars.

**Senator Sparrow:** My concern is that cost recovery is still a tax on the people. They have to pay for that expense. The government can suggest that the program will not cost the people anything because it is based cost recovery. I have heard that comment on other occasions, but it is a false premise. Cost recovery is a tax on the people. Was that issue considered in your committee?

**Senator Cools:** Honourable senators, I tend to agree with Senator Sparrow on that point. That is a fact. In 1995, the issue of partial or some sort of cost recovery was raised again and again. In point of fact, I do not think the Standing Senate Committee on National Finance has looked at that particular issue directly. However, I would be happy to ensure that we look at it during the next round of studying the Main Estimates.

The real point to be made is that the government, in the form of the Minister of Justice, Mr. Rock, came before various committees, our national and Senate caucuses and said, essentially, that those who do not like it can hold their noses and vote. It will be a program, it will be done quickly and it will only cost this amount.

The fact of the matter is that the program is not costing that amount. The evidence is that the cost is now up to \$1 billion and climbing, and not a single person in government is taking responsibility for this fact. There will be a time in this country when we will have to begin to admit that there must be responsible government or to go the other way and unmask the lie that there is no responsible government in this country. One would think that any minister of the Crown, when presented with a Senate committee report like that, would be on his feet, running to Parliament to provide explanation. Not so.

Honourable senators, this situation is unique. Governments shrug, as do ministers, and move on as if we do not exist. One can raise these issues again and again, committees can articulate them again and again, reports can state them again and again, and governments simply ignore us, which is getting tiresome. We then wonder why governments are collapsing in public opinion polls. We wonder why.

**Senator Sparrow:** I thank the honourable senator for that response.

As far as guns are concerned, perhaps the question of ballistic evidence was discussed in the Finance Committee or some other committee to which the honourable senator referred. There must be some ballistic record in order to trace guns and to have effective gun control. I do not believe that in the Canadian system we have ballistic reports on every firearm, be they handguns or long-barrel guns. I am waiting for the next shoe to fall where all guns would have to be tested with respect to ballistics and a record put in place. If such a system is in the works — and I ask if the committee has considered this possibility — the cost, in turn, will be unbearable for the Canadian people. They have to be forewarned.

**Senator Cools:** I thank the honourable senator for his question. He should consider me forewarned. This legislation and these intrusions into people's homes and property, particularly those gun owners who have owned generations of guns inherited from old homesteads, grandfathers, et cetera, has infringed on private ownership rights. As far as I am concerned, we are forewarned.

I should like to suggest that the Senate undertake a special study on the impact of this firearms regimen. I can tell honourable senators that this kind of social control being exerted and exercised over people is diabolical. Somewhere in this country there are hosts of records containing lists of people's personal property and addresses, which I think is ungodly.

I did not go into it much because the issue in that grated on me several years ago was of the poor usage of the notion of domestic violence. I know something about the pathologies of couples. It is the other aspects of the particular Firearms Act that have not been given much attention, such as how guns have been confiscated and other extraordinary powers put into this act with the creation of firearms inspectors and so forth.

As Senator Prud'homme said earlier, if we know anything about Canada, we know that it is largely rural. The existence of Canada is based on a grand interaction with nature and the wilderness. When a group of people from Toronto conceptualized a plan such as this firearms control and then proposed to impose it on largely rural areas, especially areas where my Aboriginal friends such as Senators Watt and Adams come from, it was the bounden duty of the Senate to constrain and stop that action. Something is fundamentally wrong when a government consistent acts against the public interest of the citizens of the land.

**The Hon. the Speaker:** Is the house ready for the question?

**Senator Sparrow:** Honourable senators, I do not know if this is a point of order. It may be the wrong time.

As I tried to rise earlier to request leave to ask a question, leave was granted to the honourable senator to extend the time of her speech. The Deputy Leader of the Government said that he would grant leave to extend the time, but there was no provision for me as I stood to request leave to ask questions. It seems to me that it would be in order for me to stand when she is finished and request leave to ask a question. Would that not be correct?

**The Hon. the Speaker:** It is a point of order, and I will respond as best I can.

**Senator Robichaud:** It is not a point of order.

**The Hon. the Speaker:** The matter of whether a question will be received is up to the senator who has the floor. Senator Cools had the floor. It was therefore necessary for her to ask for leave in that it is within her power to say no if she does not want to receive a question. That is why all questions go through the senator who has the floor, in this case Senator Cools.

**Senator Sparrow:** If I receive leave from my fellow senators, then I ask the question. The honourable senator does not have to answer the question. If I have leave to ask the question, it follows that she can answer the question. If she decides that she does not want to answer the question, that is her privilege. However, my privilege of requesting leave to ask a question cannot be taken away.

• (1610)

**The Hon. the Speaker:** Honourable senators, I do not want to get into too detailed an exchange. The comment I made earlier as to the person who is empowered in this situation is the person entitled to the floor. In this case, that was Senator Cools. To open it up to all other senators to ask for leave only to find Senator Cools was not prepared to accept a question should be avoided. In order to avoid that, then it would be better for the presiding officer, in this case me in the chair, to go through Senator Cools. That is my reasoning for doing what I did.

**Senator Cools:** I should like to make it clear that senators need never worry or fear, because whenever senators want to ask me a question, I am invariably prepared to answer the questions, because I am a great believer in exchange, dialogue and debate in this chamber.

The question I should like to have answered is the same question that I raised earlier — that of granting leave. In point of fact, no intervention is needed from the Speaker. The rules are clear. It says that the senator wishing to make the request must place the request to the chamber, to the senators, and the senators must respond. There is no need for an intervention even from the Speaker.

What I should like to have clarified is the following: If a senator asks for leave to continue, following which an honourable senator rises and puts his suggestion — which is what transpired moments ago when Senator Robichaud rose — what happens then if 10 senators rise?

Let us imagine that the scenario looked like this: Let us imagine that Senator Robichaud said, "I propose that the honourable senator have 15 minutes," following which another senator rose and said, "She should have 5," or another senator rose and said, "She should have 10," whatever. How is that operationalized? How is that mediated? In other words, if Senator Robichaud has said, "She can have 20 minutes extra to speak," for example, would it be sequential? I think this is a question His Honour cannot answer.

**The Hon. the Speaker:** Senator Cools, I shall try to shorten the matter. The rules provide that when leave is requested it must be granted without a dissenting voice; in other words, it must be unanimous. We are, in effect, changing the rules. If there is a senator wishing to put a condition on leave, then it seems clear that the minimal condition would be the one that is applicable. That would be the best answer I could give.

**Senator Cools:** Your Honour, I think it is safe to say that if a senator makes a request of the other senators, every senator has the ability to say "yes," to say "yea" or to say "nay."

What I do not understand is the process by which one senator or two can rise and place conditions that have not been debated or considered by the rest of the chamber. That is what I do not understand, the authority by which any individual rises midstream of an agreement that has already been made, midstream of a consent that has already been granted, to then, perhaps, make his or her own suggestion. There are clear rules in this place about how senators make suggestions, and they are usually made on motions with movers and seconders.



**The Hon. the Speaker:** On this point of order, I do not think I need to add more to what I have already said. I think it is clear.

**Senator Robichaud:** I think His Honour indicated clearly that without any dissenting voice consent is given. I am being encouraged right now that in future instances I will be the dissenting voice and say “no” and deny consent, and everything will end right there.

**Senator Sparrow:** I think it then follows that all senators will deny leave on any of the issues. Certainly, the Deputy Leader of the Government asks more often for leave than anyone else. If we are not going to allow leave in these circumstances, then we should not allow it anywhere.

If honourable senators will check rule 4(k)(iii) regarding “Leave,” they will see that nothing stands in the way. No other rule in the Senate rulebook takes away the right of leave of the Senate to grant anything. They can grant anything at any time. We do not have to go through the Speaker, we do not have to go through the Deputy Leader of the Government, the Leader of the Government or the Leader of the Opposition. We are masters of our own house. We have to return to that issue and always remember that senators are the masters of their own house.

**Senator Cools:** I am with you.

**The Hon. the Speaker:** On the point of order, Senator Prud’homme.

**Senator Prud’homme:** Welcome back. Not much has changed. Welcome back to reality. However, that is not the point.

I am a bit surprised; I will not say “shocked.” It is my hope that good heads will prevail here. Senator Robichaud said something that, I am sure, on second thought, he would not like to leave as his final comment on this matter. He said that from now on he will get up and say no.

**Senator Robichaud:** That is not what I said.

**Senator Prud’homme:** If the honourable senator were to carry through with that thinking, I would not wish to sit in a Senate that is deprived of granting extra time to some senators. It is very difficult, honourable senators, to say, “I give 5 minutes to this one but 15 to the other.”

I remember a recent debate that is of great interest to me — I will not mention which one. We had given consent. The senator, who spoke very eloquently from the government side and with whom I agree, spoke for another 45 minutes. No limit was put on him. Was it because he is a member of the Privy Council? Was it because he is close to the authorities? It is a dangerous precedent that could affect all honourable senators here.

When Senator Robichaud made his last comment, I saw some senators applaud rather vigorously. That makes me very unhappy knowing that they are very happy to be told that from now on Senator Robichaud will say “no,” and that will be it. That is not why we came to the Senate.

As honourable senators know, debates arise in this chamber. We do not abuse the rules. We do not sit that long. We are well paid. If there are honourable senators who are unhappy, they have the option to say: “I cannot sit in that Senate. They are stupid. They are imbeciles. They talk too much.” However, the rules are the rules.

I think some senators who have great interests speak for a lot of others who may not like to get up, honourable senators.

I should like to ask my friend — and when I say “friend,” I do not use and abuse that word; I have good communication with Senator Robichaud. I should like him to clarify his comment. He will probably get up and say that I misunderstood. Thank God, if I did.

Impatient senators may say, “Well, if Senator Robichaud does not do it, I will do it.” I will be watching those who will say no. They had better be participating in committees and in the works of the Senate from now on.

[Translation]

**Senator Robichaud:** Honourable senators, I would like to explain myself. I did not say I was going to refuse consent to extend the debate, but that I might be encouraged to do so. I do not want this to be construed as a threat to anyone in any way. I do not want in any way to limit debate but rather to follow a practice implemented after consultation and meetings with the leadership to ensure smooth progress of the debates, so that all senators may have an opportunity to take part.

Honourable senators, I am not keeping a stop watch on the senators as they speak. I am simply agreeing to allow the senator who had the floor a reasonable time to finish his remarks. That is all there is to it.

• (1620)

[English]

**Hon. Nicholas W. Taylor:** Honourable senators, I would give my interpretation of rule 34 of the *Rules of the Senate of Canada*. We seem to be confusing rule 34(1) and rule 34(2). Rule 34(1) allows someone on the floor to rise and ask whether the senator will yield the floor. If the senator agrees to yield the floor, the other senator may finish the allotted time. Rule 34(2) allows for questions. It is clear that the question has to be asked within the time allotted for the senator who is speaking.

I know that the Honourable Senators Sparrow and Cools may not agree, but it is incumbent upon the person making the speech to allow time for questioners to ask their questions. I do not think that whoever is making the speech can run on and on and expect to have time allotted for questions afterwards.

If a senator is allowed five or 10 minutes extra to complete his or her speech, then it is incumbent on that person to recognize that bobbing heads usually mean that senators are ready to ask questions. I realize that some of my honourable colleagues do not get up often, but one can usually tell when they are ready to rise and request an opportunity to ask a question.

Rule 34 states clearly that the questioner must ask questions within the time allotted to the speaker. Therefore, the speaker has the responsibility to shorten the speech in order that questions may be asked.

**The Hon. the Speaker:** Honourable senators, we have had a useful exchange on this sometimes difficult matter of when leave should be granted.

**Senator Kinsella:** Can we appeal now?

**The Hon. the Speaker:** I will not take it under consideration because the rules are clear. I would now ask honourable senator if they are ready for the question.

On motion of Senator Tkachuk, debate adjourned.

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(3rd day of resuming debate).

**Hon. Joan Fraser:** Honourable senators, it is a particular pleasure to be able to participate in this debate. The Speech from the Throne reflected Canadian values and concerns, and I could continue at some length about all its positive aspects, notably, if I may say, its stress on minority language rights. However, out of a sense of charity toward you all, I shall confine myself to just one element. It is one of the most important subjects that we shall address in our parliamentary careers, global warming.

[Translation]

The government is saying that it will present a resolution on the ratification of the Kyoto protocol by the end of this year. This is a very controversial issue in some regions of the country, including Alberta. I am very pleased to note the progress that seems to have been made yesterday at the federal-provincial meeting.

I understand the concerns of those who would like to know all the details of all the implications before signing the protocol. However, even if I understand these people, I cannot side with them.

[English]

Honourable senators, I have listened to the arguments against ratifying the Kyoto Protocol and to the arguments in favour of at least waiting longer, and I simply have not found them persuasive. I do find persuasive the argument that the probable costs of not ratifying or of delaying action yet again are far higher than the costs of ratification could be.

Let me list some of the arguments that have made against acting. Some critics still say that the science of global warming remains unclear. Perhaps, in fact, global warming is not a

problem at all, or at least not a problem created by humans. Others, more numerous, say that the ratification of Kyoto would cost too much, wreaking havoc on Canada's economy, particularly on the economies of Alberta and Ontario. They say that we should not ratify until we have a detailed implementation plan in place. They say it is unfair to hold Canada to Kyoto's requirements when this country accounts for only 2 per cent of global emissions of greenhouse gases when our largest partner, the United States, has refused to accept Kyoto and when many countries, including some of the largest countries, such as China and India, are not included in this accord, even though they are serious polluters.

We can set aside the case of the United States. That country is well advanced in implementing emissions controls that will get it to where Kyoto would take it.

How do the other criticisms stack up to examination? Not well, honourable senators.

Look at the science first. It may be true that there is still no absolute, diamond-hard proof that global warming will have the effects that we fear. The only way to get that kind of proof is to wait until it happens — wait while desserts spread even more, while ice and permafrost melt even more, while sea levels rise and inland water levels fall even more, while more tropical diseases spread north, while even worse droughts and forest fires devastate more and more of our territory, and while floods and ice storms grow more frequent and more serious.

We could wait. Then when we had finally seen that all this had occurred, I suspect that some diehards would still be muttering, "All of this was just part of nature's grand cycle and nothing to do with human activity." Some people still choose to believe that the earth is flat.

I, however, choose to believe the more than 1,000 of the world's top climate experts who constitute the Intergovernmental Panel on Climate Change. Rarely do you have so many experts studying anything as intensively as these people have studied climate change. These experts say that, due to humanity's production of greenhouse gases, we have a problem. We have a problem now.

Honourable senators, you merely need ask Senator Watt, for example, about the changes in the Arctic in recent years. Our problem will get much worse. The only real questions are how much and how fast. Some of the coming changes are, in fact, inevitable. However, we can, if we start to act now, slow the trend and lessen its ultimate impact.

[Translation]

Let us now look at the infamous issue of cost. How much will it cost us to implement Kyoto? There is no doubt that the cost will be significant. It could be as much as 2 per cent of the gross national product, which seems impressive. However, we must be careful here. We are not talking about a reduction of the GNP, but about a growth somewhat smaller than it might have been without Kyoto. In other words, our economy may have grown by only 28 per cent by the year 2010, as opposed to 30 per cent. This is not huge from a national perspective, or even a regional one. A decision by Alan Greenspan may have as much impact on our economy, without anyone crying foul.

[ Senator Taylor ]



Yes, a great collective effort is required to meet the challenge of Kyoto. Yes, it might be tough at times. By the year 2010, our greenhouse gas emissions will have to be down to the equivalent of 571 megatonnes of CO<sub>2</sub>. This means a reduction of 112 megatonnes, or 16 per cent, compared to the 1997 level, the last year for which I have figures.

[English]

Of course, the required cuts look bigger if you calculate them on the basis of what we will be emitting in 2010 if we do not address climate control. I am referring to the famous figure of 240 megatons that is often quoted. However, we will act. In fact, the action plan that the federal government announced two years ago will have cut our yearly emissions by 65 megatonnes by the time we reach the Kyoto deadline, so we are already well down the road. The plan made public last week will take us further. It will not be impossible for us to make it the rest of the way and it will not bankrupt us, either.

• (1630)

In any case, honourable senators, think about the cost of not acting. There are estimates that Canadians are already paying more than \$1 billion a month for the effects of extreme weather events. That is about 1.5 or 2 per cent of our GDP. That is the figure now, not in 2010. As the insurance industry, among others, keeps pointing out, the trend and the cost have been rising rapidly and will go right on rising unless we decide to act. Seen in that light, Kyoto starts to look much less expensive.

Should we sign before we have every detail of our implementation plan nailed down? In my view, the answer must be yes. We do already know quite a lot about what we have to do, thanks to the enormous consultation process that has been going on for five years and more. It is an enormous process, contrary to some of the mythology that we hear. I am sure we shall know even more by year's end, given the intense political process that is now underway. It is true that we will not know every last little detail, or even perhaps some of the big details, such as how much credit the world will let us claim for various elements of environmental virtue. That is no reason to delay commitment when delay can have such a high price. As many people have pointed out, we did not have every detail pre-planned when we entered the Second World War. Jacques Cartier did not have a detailed chart when he sailed into the Gulf of St. Lawrence. We can never know exactly how great endeavours will be accomplished because the very greatness of the endeavour means that it will create both new challenges and new achievements or discoveries. All we can know is that if we do not start, we cannot accomplish anything.

Honourable senators, there is one last criticism of the Kyoto accord that I should like to address: the one about Canada having to make serious cuts in emissions even though it contributes so little of the world's greenhouse gases, while so many other countries are not touched at all by the Kyoto Protocol.

In fact, we do emit quite a lot of greenhouse gases. On a per capita basis, we are right up there at the high end of the list. Furthermore, the impact of global warming is already and will continue to be more severe in northern latitudes — here — than in the rest of the world. We have an even greater self-interest than the rest of the world in minimizing it.

Bear also in mind, honourable senators, that Kyoto is just a first step. The developing countries will be asked to start pitching

in at the next stage, starting in 2013, and it will be crucial that they do so. How can we ask them to make sacrifices for the sake of the world's climate if we, who have so much more wealth, so much more technological skill and so many resources of all kinds, have been unwilling to take actions that will be far less painful for us than they will be for the poor countries of the planet? Again, it is in our own very direct self-interest to show that we are prepared to practice what we preach.

[Translation]

It goes without saying that the protocol is not perfect. However, a majority of the world's countries supported it and we cannot reject it on the grounds that we would have liked it to be even better. It is much too late for that.

[English]

Honourable senators, if not us, who? If not now, when? Our children and grandchildren — people already alive today, as well as future generations — will not accept the excuse that it was too hard or too inconvenient to act now. They would face far greater hardship, far greater inconvenience, as a result of our inaction.

On motion of Senator Stratton, debate adjourned.

## LOUIS RIEL BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Thelma J. Chalifoux** moved the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Chalifoux*).

She said: Honourable senators, I rise this day to speak to Bill S-9, a bill that honours Louis Riel as a Metis patriot and Canadian hero and to acknowledge the Metis people.

Let me first say that it is a great honour and privilege to speak today to this bill. I will do my best to tell honourable senators what this means to me. Mr. Guy Freedman, a Metis writer from Manitoba has assisted me greatly in this story of our Canadian hero.

It is ironic that 116 years ago, the Metis people and Riel's family gathered in St. Boniface, Manitoba, to honour this great man and lay him to rest at a funeral attended by hundreds of his family and his supporters. Most Metis, in fact, most Canadians know a great deal about Louis Riel. More is written about him than Sir John A. Macdonald, but what is written is largely controversial and pretty much everyone has his or her own opinion. Was he insane? Was he a hero and a prophet? Just who was he? One thing is for sure: He was the leader of the Metis people at a time when all hell was breaking loose out West. History shows that he was truly a remarkable man.

Louis Riel came into this world on October 22, 1844, at Red River Settlement on a particularly beautiful sunny morning, according to his mother. Forty-one short years later, Manitoba's Father of Confederation was hung from the neck until dead at the gallows in Regina.

Like other great people the world has known, such as Martin Luther King, who were taken from us too soon, we remember on the day of his death. It is of course a political statement, and if one thing can be said about us Metis, we are political to the teeth.

To help us put things in perspective, allow me to tell honourable senators about the funeral arrangements following the execution of our great Metis leader, Louis Riel. Many people openly protested his hanging, yet protest and appeals from government leaders to the people of the western plains had no effect on the government of the day. To the people of the western plains and all the descendants, Louis Riel represented a fair and just society, an inclusive society, a new nation that could take its rightful place in Canada's future.

Riel's body eventually was returned to his family by train. His funeral cortège was a mile long and hundreds of people packed the church, with as many waiting outside in December's cold in St. Boniface, Manitoba, his beloved home. In contrast to many funerals for leaders and fighters for the rights and fair treatment for the masses, Riel had a hood on his head and a noose around his neck. Father Alexis Andre, his priest who had double-crossed him, was by his side on the gallows. Father Andre was crying openly, and it was a very erect, very calm Riel who whispered to him "Courage father."

At Riel's very public hanging, the clergy began to recite the Lord's Prayer. Before the prayer was finished the trap door suddenly snapped open, the rope jerked, swayed back and forth violently, and then came to a dead stop.

It took almost a month before Riel's body was taken back to his beloved home by train. There was reason to believe it would be tampered with. Let me tell honourable senators the real story.

Riel's body was interred in a shallow grave beneath the floor of the church while the son of a local Regina French-Canadian businessman and Riel supporter kept armed vigil by it for many days. There was no open attempt made, but at night there were foot steps in the darkness and faces peering in the window. At last, when the feeling seemed to have died down, Governor Dewdney informed Mr. Bonneau that on a certain night a boxcar would be left on the Albert Street siding to convey the body to Winnipeg. Young Bonneau dug up Riel's frozen body and taking it in his arms, stumbled through the snowdrifts in Victoria Park, confined it in a box and loaded it on the boxcar. Bonneau accompanied it to Winnipeg where he delivered it to Riel's friends and family.

• (1640)

Young men like Bonneau are a part of what we are all about. Even though not Metis, he was no doubt a follower of Riel's vision of what Metis are still fighting for, self-government and a land base. We still have friends like Bonneau.

Riel accomplished in death what he could never do in his life, unite the Metis people. I believe his gruesome hanging and the

subsequent mistreatment of Metis people across the homeland made all the Metis people understand what he was fighting for and what all Metis people were up against.

This bill has a very special meaning for those of us who have been involved with the everyday struggle of our nation, our people, for dignity and justice.

When the government of the day executed Louis Riel, they effectively executed a whole nation of people. We were denied the right to speak our language. We were not allowed to hold public meetings. We had no voice. Our organized government structures were destroyed.

Government orders could not take away the dreams and visions that Louis Riel had instilled in the people of the West and the people in Quebec who were struggling to retain their own cultural identity so similar to ours and yet be a part of the new Canada. Riel was our hopes and dreams of what Canada could be from coast to coast to coast.

Under the leadership of Louis Riel, and before Canada acquired jurisdiction over Rupert's Land and the territory known as Red River, he established a provisional government based on the principles of tolerance and equality of representation between the Metis majority, the French, the English and the First Nations.

This government elected Louis Riel as its president and drafted a unanimously adopted list of rights for the governance of this territory. This list of rights was accepted by the Government of Canada as the basis for the entry of the territory into Canadian Confederation and for the passage of the Manitoba Act.

Manitoba became the fifth province to join Confederation and the first province of Western Canada. The name Manitoba was submitted by Louis Riel and chosen by the Canadian Parliament. Thereby, he is recognized as the founder of Manitoba.

Louis Riel was elected three times to the House of Commons on October 13, 1878, January 13, 1874 and September 3, 1874. As a result of political pressure, he was never allowed to take his seat.

I see all of these events as the beginning of Western alienation which carries on to this day. The people of the territories had become increasingly concerned about the lack of respect and their rights as Canadian citizens. Does all this sound familiar even in this day and age? The people looked to Riel's leadership to assist them in defending their homes, their families and their lands.

In March of 1992 the House of Commons and the Senate of Canada unanimously adopted resolutions recognizing the various and significant contributions of Louis Riel to Canada and to the Metis people, and in particular recognizing his unique and historic role as a founder of Manitoba. In May of 1992 the Legislative Assembly of Manitoba unanimously passed a resolution recognizing the unique and historic role of Louis Riel as a founder of Manitoba and his contribution to the development of the Canadian Confederation.



Why should the arrowhead sash be a recognized symbol? Our Métis priest, Father Guy Lavallée, gave an opening prayer at the First Peoples Constitution Conference in Ottawa on March 14, 1992. I had the privilege of being there. His words are so profound as to why the sash should be our symbol that I would like to repeat his words as he prayed for us at that time. He said:

I would therefore like to end my prayer, God, on a theme that I started out with at the beginning, namely, a Métis symbol. Let's take a minute and look at the sash. There are other Métis symbols such as our flag, the fiddle and the famous Red River jig.

But Métis people, God, have been wearing the sash proudly for many years. When I look at it, I notice that it is composed of many interconnected threads. Many strands, many patterns, many colours contribute to the overall design of this sash. Our Métis culture, God, is like the sash. The lives of the Métis have been woven together from a variety of cultures, languages, traditions and beliefs. For example, God, we are the descendants of the English, of the French, of the Indians — Cree and Ojibway — and Scots to name a few. We speak a variety of languages: English, Canadian French, Michif French, Michif Cree, and Mashkégon.

Look at the sash. It is a composite. It is a mixture. It is Métis. It is made up of a variety of elements, like the lives of the Métis. Look at its patterns, its fabrics, its colours. Nonetheless, these disparate elements form an integrated whole. Similarly, the different ethnic backgrounds and different languages of the Métis all blend into one another to form a rich tapestry like the lives and culture of the Métis.

God, this multicultural nature of our identity is what makes us unique, is what makes us Métis. In many ways, God, I think we represent what Canada should be as a unified country.

God, we, your Métis people, recognize our uniqueness before you here today.

At this moment, God, we do not have any fancy ritual to perform for you, nor did we bring any special present to offer you. However, what we do have to offer you, God, is ourselves, our lives, the Métis Nation of Canada with its history, its pains, its joys and its dreams.

And it is in the same spirit of our forefathers at Red River in 1870 and in Batoche in 1885 that we commit and dedicate ourselves to build a truly unified Canada from sea to sea to sea, no less than what Louis Riel and Gabriel Dumont would have wanted if they were alive with us today.

The fight for justice continues today. On September 27, 2002 the Métis National Council unanimously adopted the following definition for us as a nation, similar to the very one that Riel had developed under the provisional government. It states:

Métis" means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation.

Historic Métis Nation" means the Aboriginal people then known as Métis or Half-breeds who resided in the historic Métis Nation homeland.

Historic Métis Nation Homeland" means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-breeds as they were known then.

Métis Nation" means the Aboriginal people descended from the historic Métis Nation which is now comprised of all Métis Nation citizens and is one of the "Aboriginal Peoples of Canada" within the meaning of section 35 of the Constitution Act, 1982.

Distinct from other Aboriginal peoples" means distinct for cultural and nationhood purposes."

This definition is similar to the one that Riel himself had declared.

In the past two weeks, the CBC aired the retrial of Louis Riel. The final result of this trial was most profound. Almost nine out of ten Canadians declared Riel innocent of the charges against him. Therefore, I now urge all my colleagues to support this bill, as Canada truly does have wonderful, dedicated heroes, and Louis Riel is one of them.

On motion of Senator Stratton, debate adjourned.

• (1650)

## HERITAGE LIGHTHOUSE PROTECTION BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. J. Michael Forrestall** moved the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator Forrestall*).

He said: Honourable senators, today it is my pleasure and privilege to stand and speak to Bill S-7. This is not a partisan issue; it is not a money issue. Steps must be taken to preserve and protect Canadian heritage for future generations, whether it be heritage properties, railway stations, lighthouses, or perhaps someday soon, our Western Canadian icons, the grain elevators. These are monuments to the Canadian way of life. For all of those senators who are familiar with Nova Scotia, New Brunswick, Prince Edward Island, the St. Lawrence basin, Newfoundland and Labrador, for all those who are familiar with these places, who are familiar with the trails of these areas, they can immediately conjure up the beauty and the serenity and the peacefulness of a lighthouse standing sentinel. I am told that people have been so impressed with this beauty and serenity that it warranted a major article in a German magazine.

I ask you to imagine no more Peggy's Cove Lighthouse, no light at Grand Manan Island, no Gannet Rock Light. Forget about West Point Light in Prince Edward Island or Cape Spear in Newfoundland. What would become of our world, the world we enjoy?

Honourable senators, each day we sit idle, coastal communities throughout Canada, whether on our beautiful East Coast or along the scenic St. Lawrence or the Great Lakes, the Great Lake of Winnipeg, or the majestic shores of the Pacific, we face the loss of our historic lighthouses. Lighthouses have been the source of salvation for sailors in littoral waters for hundreds of years, and they have served as the centres of our coastal communities. Beautiful pictures of lighthouses from around the world adorn many a prominent wall. Why? Because they are symbols of man's conquests of the high seas and oceans. In the past, lighthouses captured the hearts and souls of people around the world, as they represented the first sight of land upon their arrival as newcomers or upon their return home by water. No question exists of their place in the human heart and their simplistic beauty set against rugged, dark coastlines and violent, sometimes, seas. One does not have to be from the shores of the Atlantic or Pacific to be attracted to lighthouses.

The Lighthouse Preservation Society, based in Nova Scotia with representatives from across Canada, has done much work to examine the plight of Canada's lighthouses and has attempted to save them from destruction. There are other groups on the West Coast that have also attempted to preserve this valuable part of Canadian Maritime history. Our colleague and a supporter of this bill, the Honourable Senator Patricia Carney, has worked tirelessly with "light keepers" on the West Coast to protect stations and the keepers themselves. I cannot tell you how many times I have followed her up a spiralling staircase, to sometimes dizzying heights, to help her in the furtherance of this valuable cause, a cause that I suggest without fear is one that would bring credit to the Senate.

The last time we had an accurate measurement, there were just over 500 lighthouses left in Canada. Only 19 of 500 have full heritage protection. Another 101 have partial protection and some degree of recognition as historic sites. The rest sit in no man's land, I suppose, at the present time.

What does this protection and heritage status mean in real terms? I call your attention back to Bill C-62, the Heritage Railway Stations Protection Act of 1988, upon which this bill was modelled. Why, if heritage sites are so special, was another proposed act required to protect our heritage railway stations found in most Canadian communities? The answer, sadly, is that even with heritage designation these historic railway stations, some dating to Confederation, could be sold, transferred, altered or destroyed with very little recourse to the public or their concerns. The Heritage Railway Stations Act set up a process of public consultation prior to any action being taken with regard to these valuable sites and imposed stiff penalties in the event precipitous action was taken that damaged a historic railway station. In our research, it was determined that Canada's 19 heritage lighthouses and 101 partially recognized sites are in the same vulnerable position as Canada's historic train stations were prior to the passage of Bill C-62.

This is the very purpose of Bill S-7. I draw your attention to clause 3, which states:

The purpose of this Act is to preserve and protect heritage lighthouses by

- (a) providing for the selection and designation as heritage lighthouses;
- (b) preventing the unauthorized alteration or disposition of heritage lighthouses; and
- (c) requiring that heritage lighthouses be reasonably maintained.

The bill defines "heritage lighthouse" as follows:

...a lighthouse designated as a heritage lighthouse under section 6, and includes any related site or structure that is included in the designation.

The bill defines "alter" as follows:

...to restore or renovate, but does not include to perform routine maintenance and repairs.

The "Board," in this case, means the Historic Sites and Monuments Board of Canada. The minister responsible for this proposed legislation will be the Minister of Canadian Heritage.

Clause 4 of the bill states:

This act applies to lighthouses within the legislative authority of the Parliament of Canada.

Clauses 6 through 10 of Bill S-7 enable the Governor in Council, on recommendation of the Minister of Canadian Heritage, to designate lighthouses and their related properties as heritage lighthouses and to set out a process for their designation as heritage structures.

Clauses 11 to 16 protect heritage lighthouses. I draw the attention of honourable senators to clause 11 in particular, which states:

No person shall remove, alter, destroy, sell, assign, transfer or otherwise dispose of a heritage lighthouse or any part of it, unless the authorization to do so has been given by the Minister under this Act.

Clauses 11 through 16 lay out a process for public consultations with regard to the disposition of heritage lighthouses.

• (1700)

Clause 17 simply requires that the owner of a heritage lighthouse maintain it in a condition in keeping with its heritage character. This is nothing more than most municipalities, indeed, if not all, require of homeowners. No one wants an eyesore next door; thus, heritage lighthouses must be maintained.

Clause 18 empowers the Governor in Council to make regulations. The clause simply amends the Department of Canadian Heritage Act, giving the minister jurisdiction over heritage lighthouses.



In the end, honourable senators, this bill will enhance the powers of the Minister of Canadian Heritage and will allow for public consultation and the designation, preservation and general upkeep of Canada's heritage lighthouses.

Honourable senators, I ask you for your support and remind you that this bill passed through the Senate in the last session of Parliament, went to the other place and was virtually through there when prorogation caught up to it. I hope such a fate will not befall the bill this time. I commend it to honourable senators.

On motion of Senator LaPierre, debate adjourned.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### BUDGET - STUDY ON STATE OF HEALTH CARE SYSTEM - REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—special study on the health care system) presented in the Senate on October 24, 2002.—(*Honourable Senator LeBreton*).

**Hon. Marjory LeBreton** moved the adoption of the report.

Motion agreed to and report adopted.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (salary increase for Senior Executive Group) presented in the Senate on October 24, 2002.—(*Honourable Senator Bacon*).

**Hon. Lise Bacon** moved the adoption of the report.

Motion agreed to and report adopted.

[Translation]

## ILLEGAL DRUGS

### REPORT OF SPECIAL COMMITTEE—INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy," tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Prud'homme, P.C.*).

**Hon. Marcel Prud'homme:** Honourable senators, I believe that the Chair of the Standing Senate Committee on Banking, Trade and Commerce is waiting anxiously and would appreciate it if I

stood the order. I will therefore defer to Senator Kolber by asking that the order stand.

Order stands.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

**Hon. Yves Morin,** pursuant to Notice given October 10, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the document entitled "Santé en français — Pour un meilleur accès à des services de santé en français";

That the papers and evidence received and taken by the Committee in the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report no later than December 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

[English]

## MOTION IN AMENDMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I move that the last paragraph be struck.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Senator Kinsella:** Honourable senators, I moved this motion in amendment so that there is consistency with the decision taken regarding another committee last week. I know there is a question here, and that question needs to be examined carefully.

A number of committees have concerns around the communication of their reports. Rule 95 may come into play, as perhaps will other matters. However, for the expeditious movement of our work, I do not think it is necessary for the work of the Standing Senate Committee on Social Affairs, Science and Technology today to have that particular authority. Therefore, I see us, by making this amendment today, not interfering at all with the work of the committee.

**The Hon. the Speaker:** Is the house ready for the question on the motion in amendment?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.

Motion in amendment agreed to.

**The Hon. the Speaker:** Is the house ready for the question on the main motion?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It is it your pleasure, honourable senators, to adopt the motion, as amended?

**Hon. Senators:** Agreed.

Motion agreed to, as amended.

### BANKING, TRADE AND COMMERCE

#### COMMITTEE AUTHORIZED TO STUDY THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT

**Hon. E. Leo Kolber,** pursuant to notice of October 23, 2002, moved:

That in accordance with the provisions contained in section 216 of the *Bankruptcy and Insolvency Act* and in section 22 of the *Companies' Creditors Arrangement Act*, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*; and

That the Committee submit its final report no later than June 19, 2003.

Motion agreed to.

#### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. E. Leo Kolber,** pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

• (1710)

#### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. E. Leo Kolber,** pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

### ABORIGINAL PEOPLES

#### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

**Hon. Thelma J. Chalifoux,** pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Aboriginal Peoples, pursuant to the input it has received from urban Aboriginal people and organizations, be authorized to examine and report upon issues affecting urban Aboriginal youth in Canada. In particular, the Committee shall be authorized to examine access, provision and delivery of services; policy and jurisdictional issues; employment and education; access to economic opportunities; youth participation and empowerment; and other related matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 27, 2003.

Motion agreed to.

### SPEECH FROM THE THRONE

#### POINTS OF ORDER—SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, on Wednesday, October 2, Senator Murray rose on a point of order to comment about two issues relating to the opening of the second session of the Thirty-seventh Parliament and the Speech from the Throne that was read by Her Excellency, the Governor General in this chamber on September 30. The first had to do with the sound system and the fact that the volume of the translation was so high as to be disruptive, not only to the senators, but also to the Governor General herself. While it was unclear what might have been the cause of this problem, the senator urged that steps be taken to prevent it from happening again. The second matter of the point of order related to the behaviour of several senators and visitors in the galleries as well, who applauded portions of the Speech from the Throne, contrary to established practice.

As the senator mentioned, the Governor General, as the Queen's representative, must be kept from any political involvement. Accordingly, her speech is always to be heard in silence. The applause was inappropriate and ought not to be condoned. This intervention by Senator Murray led to a series of other observations about various aspects surrounding the opening of the session.

[Translation]

Senator Carstairs, the Leader of the Government, then spoke in support of the observations made by Senator Murray and added one of her own. One of the MPs who came to the bar of the Senate to hear the Speech from the Throne actually took a senator's seat and only gave it up after the Government Whip requested that he join his Commons colleagues behind the bar. To



avoid any similar occurrence in the future, Senator Carstairs suggested that notes be prepared advising everyone about the traditional decorum that is expected during the Speech from the Throne.

[English]

When Senator Kinsella, the Deputy Leader of the Opposition, rose to speak on the point of order, it was to agree with the remarks of both Senator Murray and Senator Carstairs. At the same time, he raised three other issues about the opening events that troubled him. The first was another problem touching on decorum. In the senator's view, it was improper for senators and others to rise when the justices of the Supreme Court entered the chamber to take their seats in front of the throne where the Table is normally located.

The second matter had to do with the sitting of the Senate at 11:30 a.m. when Senator Smith was formally introduced. Since the time for the Speech from the Throne had been set in the proclamation for 2:00 p.m., the senator wondered by what authority the Senate held the earlier meeting. Finally, Senator Kinsella cast doubt upon the Senate proceeding that followed the Governor General's departure after the Speech from the Throne, because the mace was not in its proper place on the Table.

[Translation]

Other senators also participated in the discussion on the point of order. Senator Austin spoke about the broadcast cameras using "cheap shots," as he described it, of senators to project a certain image of this place. For his part, senator LaPierre wondered what all the fuss was about and defended the practice of applauding elements of the Speech from the Throne. Senator Prud'homme suggested that strict rules should be in place regarding cameras and what is to be portrayed. Senator Grafstein spoke to defend the importance of parliamentary tradition and to explain his actions with respect to the entrance of the justices of the Supreme Court. Senator Cools also agreed with Senator Murray's point of order and lamented the declining knowledge about parliamentary government in a constitutional monarchy. Then Senator Comeau used the opportunity of the point of order to raise a question about attendance. Finally, Senator LaPierre spoke again to suggest that the photographers should be removed from the chamber.

[English]

I wish to thank all honourable senators for their contribution to the discussion. It is clear that some elements of the opening did not go as well as they should have, and that some practices seem to be misunderstood. I will try to deal with each of the different matters in turn. First, however, it is useful to point out that the role of the Speaker during the Speech from the Throne is not the same as during the Senate sitting. With Parliament assembled in this chamber, with the Crown representative on the throne, the senators in their places and the Commons at the bar, I do not think that it can be said that the Speaker is presiding over the proceedings. Nonetheless, I do think that it is important that all of the concerns raised in the point of order be addressed even though they may not be legitimate points of order.

With respect to the problem that we had with the sound system, this point of order and the concerns of Senate officials prompted an investigation that determined that there were some difficulties associated with a sudden breakdown in the sound system just prior to the opening, and that there had been insufficient time to perform a final sound check before the ceremonies began. As well, there were other sound-level problems with the equipment of the broadcaster. In any case, I have been assured that steps will be taken to avoid these problems in the future.

[Translation]

As to the matter of the applause made to certain parts of the Speech from the Throne, I am in agreement with the view that it is not proper and it should be avoided. This is for the reasons that were cited by several senators. The government prepares the Speech from the Throne that is a declaration of its agenda for the session. The merits or objections of this agenda should be expressed, not in the presence of the Governor General, but during the time the Senate allocates for the Address-in-Reply. At the same time, I must acknowledge that should applause occur, or should any disapproval be expressed, I as Speaker am not in a position to stop it. To rise and then cut off any audible reaction to a passage of the Speech from the Throne when it happens would be to compound the offence. It would put the Governor General in an embarrassing position and would seriously detract from the dignity of the event.

[English]

This is also true with respect to what happened when the justices of the Supreme Court entered the Senate to take their seats. By practice, senators should not rise, but would it have been acceptable for me to intervene to stop it? I do not think so. It is for this reason that I agree with the suggestion that was made by several senators that notes should be prepared to accompany any material issued explaining the schedule of the proceedings relating to the opening. In other words, the best approach is to do more in order to ensure that those in attendance are aware of the proper procedures.

In the matter of the MP who took a seat within the bar, this was clearly a violation of tradition and also of the *Rules of the Senate*. Members of the other place, when they come to the Senate to witness Royal Assent or to hear a Speech from the Throne as they did on September 30, should always remain behind the bar. Rule 126 reserves several places "without the bar" for former senators or members of the House of Commons who wish to follow the proceedings of the Senate during a sitting. At no time ought members to take a seat inside the bar. Senator Prud'homme indicated that a senator invited the member to take a seat. Other senators, however, objected, and the government whip was successful in persuading the member to leave. This incident should not have happened, yet it provides one more reason to prepare and distribute some documentation explaining the traditions and practices that are to be observed at the opening of a Parliament.

• (1720)

Senator Kinsella raised questions about the authority for the morning sitting and about the propriety of the sitting following the Speech from the Throne given that the mace was not on the Table. Research has been done to determine the history of our practices. The results are interesting and it may provide Senator Kinsella with part of the answer to his first question. As Speaker, however, I have no authority to give a decision on a constitutional question or a point of law, and there is clearly an aspect to this question that is constitutional in nature.

Prior to 1930, the proclamation announcing the date of the opening of Parliament, whether for a new Parliament or a new session, did not indicate the time of the Governor General's arrival on Parliament Hill. Even before the change in 1930, the Senate always met earlier. This happened for several reasons: to receive the message from Rideau Hall indicating the time for the opening; to acknowledge a new Senate Speaker appointed by the government; and, frequently, to introduce new senators. The Journals suggest that all of these sittings were brief. It is less clear before 1930 whether these meetings took place a short time before the Governor General's arrival or some hours before, though some of them clearly took place a few hours earlier. This is more clearly the case in many of the openings since 1930, but not all. While every opening of a new Parliament has involved an earlier sitting of the Senate, a small number of the openings of a new session have been timed to coincide with the Governor General's appearance in the Senate for the reading of the Speech from the Throne. What occurred, therefore, on September 30 is well within the practices that the Senate has followed since 1867.

The issue of the mace is also interesting. Again, without taking a position one way or the other, Senator Kinsella suggested that I, as Speaker, consider the matter of the proper place for the mace following the departure of the Governor General when the Senate conducted some business. As honourable senators will recall, certain proceedings did take place on September 30, following the established practice. In accordance with the *Rules of the Senate*, the pro forma bill is introduced and read a first time, and I met my obligation to report the Speech from the Throne. In addition, the Deputy Leader of the Government moved the motion for the creation of the Committee of Selection. During these proceedings, the mace was present in the chamber but not on the Table, which had been removed temporarily. So far as I could determine, the Table has been removed at every opening since 1920, when the Senate first occupied this chamber. Indeed, whenever there is a "large" opening, senators' desks are also taken away and replaced by rows of benches. The Speaker's Chair is also removed for part of the day so as not to obstruct the Governor General's access to the Throne. These modifications to the chamber, including as well the installation of platforms for cameramen, are now an established part of the preparations related to the opening ceremonies of Parliament. None of these modifications, including the absence of the Table, undermine the legitimacy of

the Senate's brief sitting following the Speech from the Throne. The mace is present, even if not on the Table. This is the minimum requirement and it is sufficient. As Marleau and Montpetit, at page 238 of *House of Commons Procedure and Practice*, explain with respect to the mace in the House of Commons:

The Mace is integral to the functioning of the House; since the late seventeenth century, it has been accepted that the Mace must be present for the House to be properly constituted.

[Translation]

Another question was raised about the practice of treating the morning sitting as one distinct from the afternoon event. The history on this is mixed. It appears to date back to 1930 and has been followed intermittently since. How it figures in the tabulation of senators' attendance is an administrative matter, not a procedural one, and I will not offer any comment on it.

[English]

Finally, several senators deplored the use of "cheap shots" by television cameramen. A suggestion was made that the Senate should insist on rules or guidelines comparable to those applied in the House of Commons during sittings. Presumably, such guidelines would be formulated by the Standing Committee on Rules, Procedures and the Rights of Parliament. Among other things, these House of Commons guidelines require the camera to focus with a head shot on the member. In the alternative, it was proposed that cameras be banned from the opening. Frankly, I do not think either option is feasible. The opening is not a regular sitting of either the Senate or the House of Commons. Moreover, there are a variety of different camera crews and still photographers present, and it would be difficult to impose on them the rules that are applied by the House of Commons to its proceedings on its own camera crew. They are too restrictive for an event like the opening.

This resolves the issues that were raised during the discussion that was initiated by Senator Murray's point of order. As I indicated earlier, there is little that I, as Speaker, am able to do to regulate the proceedings related to the Speech from the Throne. Where possible, however, steps will be taken to minimize and hopefully avoid the technical distractions that occurred on September 30. As well, I will undertake to have prepared a document explaining the traditions and practices of the opening of Parliament and make it available for circulation before this event next occurs.

I thank honourable senators.

The Senate adjourned until Wednesday, October 30, 2002, at 1:30 p.m.



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CANADA

# Debates of the Senate

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37th PARLIAMENT

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VOLUME 140

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OFFICIAL REPORT  
(HANSARD)

Wednesday, October 30, 2002

—

THE HONOURABLE DAN HAYS  
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, October 30, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE BILL ROMPKEY, P.C.

##### CONGRATULATIONS ON THIRTIETH ANNIVERSARY AS PARLIAMENTARIAN

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I rise today to offer my heartfelt congratulations to Senator Bill Rompkey, who this year celebrates his thirtieth anniversary as a parliamentarian.

In this house, we know Senator Rompkey as our very effective government whip — effective from our perspective, but perhaps not from the perspective of the other side — in getting his colleagues to do what they sometimes may not necessarily be desirous of doing.

It was 30 years ago when Senator Rompkey first began his journey to the Hill. The honourable senator was first elected to the House of Commons in 1972 as the Member of Parliament for Grand Falls—White Bay—Labrador. Following his first successful election, he went on to win six more elections, serving the people of Grand Falls—White Bay—Labrador for over twenty years. In 1980, he became a minister of the Crown, where he served as Minister of Revenue and in a number of minister of state portfolios.

In September 1995, he became Senator Rompkey, when the Prime Minister summoned him to this chamber. I have been privileged to work with him over the past several years, particularly in my capacity as Leader of the Government in the Senate. I wish him all the best as he continues to serve the people of Newfoundland and Labrador, as well as all Canadians.

Congratulations on this most important milestone.

#### THE HONOURABLE BILL ROMPKEY, P.C. THE RIGHT HONOURABLE JOE CLARK, P.C.

##### CONGRATULATIONS ON THIRTIETH ANNIVERSARIES AS PARLIAMENTARIANS

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I join with Senator Carstairs in congratulating Senator Rompkey on his anniversary, which allows me to remind colleagues that on October 30, 1972, had it not been for 700 or so votes distributed among four seats gone his way, Robert Stanfield would have been Prime Minister of Canada. Two of those seats were in Newfoundland, as Senator Rompkey reminds me.

The point, however, is that there were other distinguished members elected that year, one of whom I wish to commend, as we did this morning in our caucus. The Right Honourable Joe Clark was elected for the first time in 1972 to the House of Commons. He is an outstanding parliamentarian who,

unfortunately, has announced his retirement from the leadership of our party. I do hope that if the Prime Minister is still considering members of a party other than his as candidates for this place, the Right Honourable Joe Clark is number one on his list.

#### THE HONOURABLE BILL ROMPKEY, P.C.

##### CONGRATULATIONS ON THIRTIETH ANNIVERSARY AS PARLIAMENTARIAN

**Hon. Joan Cook:** Honourable senators, 30 years ago tonight I tallied results for a federal election for the riding of Grand Falls—White Bay—Labrador. The candidate was well known in the Labrador portion of the riding. He was, however, a stranger to the island portion. Indeed, he was known as “Bill Romsky.” Nonetheless, he was elected. The date was October 30, 1972.

Bill went on to win four elections as the member for Grand Falls—White Bay—Labrador and two as the member for Labrador.

The year 1995 saw him come to this honourable house, the Senate, at a benchmark time in our history, the time of Term 17 and the time of public education becoming a reality in our province of Newfoundland and Labrador.

Honourable senators, our colleague has had a distinguished career in public service to this country, but I believe that Labrador will forever have a special place in his heart.

I first met Bill in 1971 when we were delivering provincial nomination ballot boxes along the Labrador coast in a five-passenger float plane, where we finished the job under difficult weather conditions due, in no small part, to his commitment to task and his ability to risk all in the pursuit of democracy. These qualities, I believe, are as relevant today — a commitment to excellence in the challenges that present themselves on a daily basis, evidenced by the Honorary Degree of Laws bestowed upon him by his alma mater, Memorial University of Newfoundland, in May 2000, enhanced by the friends he has made along his incredible journey and the support of family: wife Carolyn, daughter Hilary, son Peter and his new first grandchild Max.

Senator Rompkey, congratulations on your special day and long may your big jib draw.

**Hon. C. William Doody:** Honourable senators, I want to add a few words of congratulations to my colleague Bill Rompkey. I congratulate him on enduring and managing to hang in there. I have always deplored his choice of political parties, but I have always admired his ability to skate between the various factions involved in the vagaries of the elections game in Newfoundland. He always had a pretty solid base of support in Labrador. I think he has done a remarkable job for the province and for the country. I thank him and congratulate him.

## EFFECT OF TERRORIST ATTACKS

**Hon. Ione Christensen:** Honourable senators, today, with instant communication, we can observe events as they unfold anywhere in the world; yet, the great distances often leave us feeling detached and with a false sense of security. It is so far away and, horrific as it may be, it is happening to someone else. We feel somehow immune, and governments often receive criticism for overreacting with unneeded legislation that may, to some degree, infringe on individual "rights." This criticism comes without considering the linkages that come with rights, and that is responsibilities.

On September 11, as you will have seen on this year's replay of events that took place in Whitehorse, there was the suspected hijacking of a Korean aircraft. In one short hour, we went from being passive observers to active participants.

This month, we witnessed the tragic events in Bali, where so many young lives were destroyed in yet another mindless terrorist attack. Bali is on the other side of the world, yet in Whitehorse we were touched again. Rick Gleason, 37 years old, was born and raised in Whitehorse. He is the same age as my son. I went to school with his father and his aunt, and his grandmother is a friend. On October 18, Rick was in that nightclub in Bali. He was badly injured and was flown to Australia. On October 23, 2002, he succumbed to his injuries and died.

• (1340)

Honourable senators, the world is very small. Everyone is our neighbour. Their pain is our pain. In some way we are all touched by events wherever they happen, and what we do today must in some way, build toward a stronger tomorrow or the deaths of young people such as Rick Gleason will be for nothing.

## FOREIGN AFFAIRS

### SUPPORT FOR RETURN OF NORTHERN IRELAND GOVERNMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, Canadians continue to encourage the people of Northern Ireland to remain steadfast in their pursuit of the objectives of the Good Friday Agreement. In particular, we call upon the Government of Canada to increase its support of initiatives that will be directed to the ongoing process of community trust-building, which is so fundamental to peace and prosperity in Northern Ireland. I wish to recommend that the Government of Canada use every means available to it, both diplomatic and programmatic, including partnerships with private sector, industry and financial institutions, to support, through creative new initiatives, the collaboration that is critical to a modern society. Canadians wish to see the Government of Canada take serious, thoughtful steps to encourage a return of government to allow the peoples of Northern Ireland to have greater control over their domestic affairs.

[Translation]

## SKIN DISEASE MONTH

**Hon. Yves Morin:** Honourable senators, October is the month devoted to raising public awareness of skin diseases, psoriasis and lupus in particular. These common chronic conditions have a very

severe impact on those affected by them. In the case of lupus, these are often young women.

[English]

Skin is the largest organ in the body, by both weight and surface area. Normally, the skin separates the internal environment from the external environment; however, skin disease and infections can compromise this barrier. While lupus is a serious disease, it remains largely unknown to most Canadians, as is the case with psoriasis. We do not know what causes lupus. However, the immune systems of people with lupus attack their own bodies, causing inflammation and skin rashes.

Treating patients with skin disease requires much patience, compassion and scientific knowledge. Therefore, it is not without reason that a dermatologist from Fredericton, Dr. Dana W. Hanson, has recently been elected as President of the Canadian Medical Association, the CMA. Dr. Hanson, a fellow of the Royal College of Physicians and Surgeons of Canada, has for many years been actively involved in quality care initiatives at the provincial level. Since taking on the presidency of the CMA, Dr. Hanson has been fighting to sustain and enhance our Canadian culture of caring. Honourable senators, according to Dr. Hanson's recent comments in Ottawa, this should be accomplished by investing in the future of health care, by arresting the growing gaps in various health indicators and by fulfilling our responsibility to restore the health of our Aboriginal people.

[Translation]

Honourable senators, I take advantage of this opportunity to draw attention to this month devoted to skin disease awareness to congratulate Dr. Hanson on his election as President of the Canadian Medical Association. The priorities he has set for himself are noble ones.

[English]

## BAN ON LAND MINES

### SECOND ANNUAL SENATORS AGAINST LAND MINES: NIGHT OF A THOUSAND DINNERS

**Hon. Elizabeth Hubley:** Honourable senators, in 1997, Canada showed exceptional leadership within the international community by helping to put in place the Mine Ban Treaty, prohibiting the use, stockpiling, production and transfer of anti-personnel land mines and enabling their destruction.

The anti-personnel mine is one of the most insidious and destructive weapons ever developed, killing and maiming innocent civilians long after war has ended on the battlefield. Approximately 60 countries throughout the world require ongoing assistance to eradicate land mines. Those countries with the greatest needs are also among the world's poorest, lacking both the financial and technical resources to carry out an effective demining program.



The Mine Ban Treaty, or Ottawa Convention, now ratified by 129 nations, has led to the destruction of stockpiled weapons and the clearing of mined areas. However, it is a problem of staggering proportions. More land mines have been removed over the past few years than have been planted, and yet we face declining global interest and a risk of partner countries losing their focus. Regrettably, many nations continue to produce and use anti-personnel mines — most notably the United States and Russia.

The Canadian Landmine Foundation exemplifies Canada's commitment to a global ban on land mines by supporting mine clearance, by working to develop new technologies for land mine removal and by assisting the victims of land mines.

A major part of the international campaign against land mines has been the Night of a Thousand Dinners, a unique way for people around the world to promote the land mine cause and to raise funds in aid of the adopt-a-mine-field program.

Honourable senators, on the evening of November 4, the Senate of Canada will hold its second annual Senators Against Land Mines: Night of a Thousand Dinners in room 200 of the West Block. This event will include an international dinner buffet, an interactive land mine exhibition, live and silent auctions, as well as a special program of entertainment by the "Singing Senators," featuring Senator Jean Lapointe with Senator Tommy Banks on piano.

Honourable senators, last year's inaugural event in the East Block was a great success. I wish to thank all of you for your ongoing support and participation as we attempt to do our part in freeing the world from the grotesque and crippling menace of anti-personnel land mines.

[Translation]

ROUTINE PROCEEDINGS

OPERATION OF IMMIGRATION AND  
REFUGEE PROTECTION ACT

2002 ANNUAL REPORT TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to section 94 of the Immigration and Refugee Protection Act, I have the honour to table two copies, in both official languages, of the document entitled, "Annual Report to Parliament on Immigration 2002."

FISHERIES

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Gerald J. Comeau:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Senate Standing Committee on Fisheries, on the committee's expenditures during the first session of the thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY PUBLIC INTEREST IMPLICATIONS  
OF BANK MERGERS

**Hon. David Tkachuk:** Honourable senators, on behalf of Senator Kolber, I give notice that, at the next sitting of the Senate, he will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study the public interest implications for large bank mergers on:

- Access for Canadians throughout the country to convenient and quality financial services;
- The availability of financing for individuals and businesses, particularly small and mid-sized businesses;
- The Canadian economy and the ability of Canadian business to compete internationally;
- Communities and bank employees; and
- Any other related issues;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the Committee submit its final report no later than March 31, 2003.

• (1350)

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY IMPACT OF CLIMATE CHANGE

**Hon. Jack Wiebe:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee on Agriculture and Forestry be authorized to examine the impact of climate change on Canada's agriculture, forests and rural communities and the potential adaptation options focusing on primary production, practices, technologies, ecosystems and other related areas;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during the First Session of the Thirty-seventh Parliament be referred to the Committee; and.

That the Committee submit its final report no later than December 31, 2003.

[Translation]

## FISHERIES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
CONTINUE STUDY ON MATTERS RELATING TO  
OCEANS AND FISHERIES

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that tomorrow, Thursday, October 31, 2002, I shall move:

That the Senate Standing Committee on Fisheries be authorised to examine and report upon the matters relating to oceans and fisheries;

That the documents and evidence received by the Committee during its consideration of these same matters in the first Session of the 37th Parliament be referred to the Committee;

That the Committee table its final report no later than June 30, 2003; and

That, notwithstanding usual practice, the Committee be permitted to deposit its final report with the Clerk of the Senate if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that tomorrow, Thursday, October 31, 2002, I shall move:

That the Senate Standing Committee on Fisheries be authorized to have the public proceedings of the Committee, at its discretion, televised with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO ENGAGE SERVICES

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that tomorrow, Thursday, October 31, 2002, I shall move:

That the Senate Standing Committee on Fisheries be authorized to hire such counsel, technical, clerical and other personnel as may be necessary for the Committee's study of bills, subject-matters of bills and estimates referred to this Committee.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
CHANGE NAME TO FISHERIES AND OCEANS

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that next Tuesday, November 5, 2002, I shall move:

That rule 86(1)(o) of the Senate be amended to read:

The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries and Oceans generally.

[Translation]

## NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE THE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Joseph A. Day:** Honourable senators, I give notice that on Thursday next, October 31, 2002, I shall move:

That the Standing Senate Committee on National Security and Defence be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption.

[English]

## QUESTION PERIOD

## FOREIGN AFFAIRS

NORTHERN IRELAND—WITHDRAWAL OF LOCAL  
GOVERNMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, my question is to the Leader of the Government in the Senate. Could the minister advise the house as to the current steps the Government of Canada is taking to facilitate the return to the status quo, prior to the withdrawal of the local government, from Stormont, in Northern Ireland, to Westminster?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Honourable Senator Kinsella asks a question for which I do not have any updated information. I will proceed to obtain the same for the honourable senator.

**Senator Kinsella:** Honourable senators, I thank the honourable minister for that undertaking. In her inquiries, would she attempt to obtain responses that go beyond past contributions, which have been significant? For example, we have seen the participation of a distinguished jurist from my own province of New Brunswick, Mr. Justice Hoyt, on the Bloody Sunday inquiry and also the distinguished contribution that retired General John de Chastelain is making on the disarmament file. What is the policy of the Government of Canada in terms of moving forward from where we are today?

**Senator Carstairs:** As the honourable senator knows, a very difficult decision was made by the Government of the United Kingdom with respect to Northern Ireland. I have no knowledge, at this time, on whether we participated in discussions with them, but I will try to obtain that information. I think that all of us wish to see Northern Ireland operate as a democratic country with all of the requisite powers, privileges and responsibilities.

There was a breakdown, and the Government of the United Kingdom did what it felt it had to do at that time. I will try to get the honourable senator as fulsome an answer as possible.



## NATIONAL DEFENCE

FSME-IMMUN VACCINE FOR TICK-BORN  
ENCEPHALITIS—ASSESSMENT OF INOCULATED  
TROOPS TO DETERMINE PRESENCE OF  
CREUTZFELDT-JAKOB DISEASE

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. Perhaps the self-styled oracle from Manitoba has already called the regimental offices in Prince Edward Island to determine the state of their travelling equipment.

I make the minister aware that I have access to information requests and responses. I do not rely on a black book in front of me for my answers.

Honourable senators, the Department of National Defence is currently tracking down 5,000 peacekeepers to determine if they have suffered ill effects from a vaccine administered for tick-born encephalitis, a fatal brain disease. Apparently, this vaccine was made from plasma that might, and I emphasize "might," contain infectious agents associated with human mad cow disease, or the so-called VCJD.

Can the Leader of the Government in the Senate advise what deployment our peacekeepers were on when this vaccine was administered?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. I must say that, in my political life, I have had many comments made about my voice, but I have never ever been referred to as an "oracle." I think that it is a compliment. I will need to read the transcript carefully.

In response to the serious question of the honourable senator, soldiers face many risks in operations, including potentially fatal diseases from which we must protect them at every opportunity. As to his particular concern about the tick-born encephalitis vaccine, there is apparently a remote and theoretical risk of 1 in 100 million, that persons who receive this vaccine could contract mad cow disease. However, there is no documented evidence that anyone ever has.

In addition, this vaccine is recommended by such agencies as the World Health Organization, the United States Centers for Disease Control and Prevention and, of course, Health Canada.

**Senator Forrestall:** Honourable senators, I appreciate that response. It reinforces some of the information that I have had for a little while. It is accurate.

As most honourable senators will recall, Health Canada issued a travel advisory in July 2002 stating that the vaccine FSME-Immun was issued under the special access program.

• (1400)

Can the leader of the government advise senators how many doses of this vaccine were released under the program? Was it administered only to DND personnel, or were other Canadians vaccinated with it as well? Have any other Canadians been advised of the potential ill effects of this vaccine?

**Senator Carstairs:** Honourable senators, I do know that this vaccine is not only given to members of the Department of National Defence. In certain nations of the world this vaccine is highly recommended if, indeed, Canadians wish to travel to those nations. It is administered to them, if necessary, should they request it.

However, as to the amount of vaccine and the number of vaccinations issued, I am not sure that that information would necessarily be available. If it were distributed by individual health clinics in a variety of provinces and territories, the federal government would not necessarily be aware of the number of people who have been inoculated.

**Senator Forrestall:** Honourable senators, the response that I received indicated that two, and possibly three, e-mails have been exchanged between the appropriate departments and departmental officials who are concerned about these responses. It seems highly unlikely to me, and I am sure to others, that this threat, involving 5,000 peacekeepers, that we know of and untold others that we do not know of would only engender two or three simple messages. There is something missing. There is a big gap.

Can the Leader of the Government in the Senate advise senators when it was that Health Canada learned that the vaccine I have just referred to, FSME-Immun, might contain infectious agents associated with human mad cow disease. The date is relevant; indeed, it is important.

**Senator Carstairs:** Honourable senators, I can inform the honourable senator that the department is acting with due diligence and working with both Veterans Affairs and Health Canada to contact those who received this vaccine and to inform them of the remote risk associated with it.

I would remind individuals, again, that the risk is one in 100 million. However, that is no reason why we should not act with due diligence. We must continue to act with due diligence and inform those who have had the vaccine, to the best of our knowledge, of the remote risk associated with it.

**Senator Forrestall:** Honourable senators, the Leader of the Government will be aware, of course, that the suggestion of one chance in 100 million is one opinion. I would suggest that there are other opinions out there which give rise to alarm. Were it something of that order of magnitude, the question would never have been raised.

**Senator Carstairs:** Honourable senators, with the greatest respect to the honourable senator, it is not just Health Canada that has been authorizing the use of this vaccine under very specific sets of circumstances, but so too has the World Health Organization, as has the United States Centers for Disease Control and Prevention. All of them agree with the remote and theoretical risk.

## FINANCE

BANK MERGERS—SPEECH BY SECRETARY OF  
STATE—SOURCE OF CENSORSHIP

**Hon. David Tkachuk:** Honourable senators, my question for the Leader of the Government in the Senate follows on the recent flurry of media regarding the embroiled merger plans for the Bank of Nova Scotia and the Bank of Montreal. According to *The Globe and Mail* this morning, Maurizio Bevilacqua, Secretary of State for Finance, also suffered recently at the hands of the PMO censorship machine. *The Globe and Mail* reported that parts of his speech that were meant to clarify his and the minister's position on bank merger strategy were deleted at the last minute by the PMO staff.

Could the Leader of the Government in the Senate confirm who has censored the speech of the Secretary of State for Finance and when? Was this matter not discussed in cabinet so as to allow the bank mergers to continue?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as to the latter part of the question, the honourable senator knows full well that I cannot discuss here in the Senate what may or may not have happened at a cabinet meeting.

In terms of the censorship, this is a media story. In the past, the media has got it wrong.

The reality is that the Honourable Minister of Finance has made it clear that he wishes a broader development of the study, one which he gave notice of in the chamber this afternoon, which will, if it is approved by the Senate, be undertaken by the Standing Senate Committee on Banking, Trade and Commerce. The Minister of Finance wants better clarity of what is in the public interest with respect to a potential bank merger.

## POLICY ON BANK MERGERS

**Hon. David Tkachuk:** Honourable senators, with regard to the events that were reported in *The Globe and Mail*, our chairman Senator Kolber received a letter from Minister Manley, as did the chairman of the Finance Committee in the other place, asking us to look into these matters, and making a request which we discussed at length yesterday and which we agreed to do.

What I am concerned about is that we not be used as political pawns in a leadership campaign. The events happened in October. The letter was written after these events took place. We only found out about them when we received the letter. All we are asking is that there be some clarification by the Prime Minister's Office or the Minister of Finance's office as to exactly what is the policy of the government.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the government policy can be found in what was Bill C-8, which was duly passed by the other place and by the Senate. We made some significant recommendations in the Senate in respect of that bill. Those recommendations were that, if there were to be any changes in any policy of the government, the Standing Senate Committee on Banking, Trade and Commerce should be consulted.

Because there still seems to be an area not clearly defined, the government has asked the Senate Banking Committee as well the House of Commons Finance Committee to define what issues they consider to be important in the public interest.

**Senator Tkachuk:** Honourable senators, the Senate committee is very interested in the matter of bank mergers. My view is that Minister Martin put the clamps on bank mergers when he was Minister of Finance. That is the position of the government. I understand that we agreed to do this because we think there may be some change in policy. At least that was the view expressed in the letter, that is, perhaps bank mergers are to continue. Then we hear stories from the Prime Minister's Office, but the Prime Minister's Office does not clarify its position.

This situation will have repercussions in the stock market in that bank stocks will fluctuate. As well, people in the Prime Minister's Office and in the office of the Minister of Finance may be taking advantage of what they know or what they do not know.

Would the leader tell me whether she, a representative of the government in this place, believes that the government will allow bank mergers? I think that is important.

If the Leader of the Government in the Senate cannot answer, then perhaps Senator Kirby, who is a board member of one of the banks involved, and who is a former chairman of the Banking Committee, can clarify the position of the government. I also understand he is involved in the unannounced leadership campaign of Minister Manley. It certainly appears that no one else in Canada knows what the position is.

**Senator Carstairs:** Honourable senators, let us go back in time a little bit and talk about the activities of the former Minister of Finance, the Honourable Paul Martin. He said, at the time, that what he needed was some clarity with respect to how Canadians wished the government to proceed. That is exactly what Minister Manley is now doing. He is saying that we need further clarity on the issue of what is in the public interest of Canadians with respect to potential bank mergers.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I have a supplementary question. The Leader of the Government is confusing the issue. It is so clear. If the press are to be believed — and so far, the major reports have not been denied — there were discussions between two banks on a possible merger. The Prime Minister's Office got wind of it and, through pressure, put a stop to those discussions. The Secretary of State for International Financial Institutions had a speech including the guidelines on bank mergers, and those paragraphs were taken out of his speech. If that reporting is correct, then the Prime Minister is adamantly opposed to bank mergers on his watch.

• (1410)

Why then would the Minister of Finance ask two committees to look into the possibility of bank mergers when the Prime Minister has said there will be no bank mergers during his watch? What is the policy of the government? Is it the one spoken to by the Prime Minister, or is this an indication by the Minister of Finance that, despite what the Prime Minister indicates, he is looking into the possibility of bank mergers and that they may take place. It must



be one or the other, and cannot be in-between. This government is either in favour of bank mergers, in which case we have no objection to the exploration, or the government is against them, consistent with the policy established by the previous Minister of Finance. Which is it, one or the other?

**Senator Carstairs:** Honourable senators, to be frank, this is media speculation. Neither you nor I have any indication that the presidents of either bank have come forward to say they were having merger discussions. We are dealing in the realm of speculation. What we do know, however, is that the Honourable John Manley, the Minister of Finance, has said there is one part of previous discussions with respect to bank mergers that he believes needs further clarification, that is, what is and what is not in the public interest. Because the Senate of Canada has, in the past, asked to participate in any debate surrounding the potential of bank mergers, the Honourable Minister of Finance has said, "I want the Senate Banking Committee and the House Finance Committee to examine that particular issue of what is in the public interest." What does it mean, what did the committee report mean by it, how has that evolved, what is in the best interest of Canadians on this issue? I think it is very clear.

**Senator Lynch-Staunton:** Honourable senators, could the Leader of the Government in the Senate then bring us clarification on the Prime Minister's position on this question of bank mergers tomorrow? Did the Prime Minister or did he not directly or indirectly instruct that any ongoing discussions between the two banks come to a halt because he and his office are against bank mergers? If that is not the case, then it should be known. If that is the case, then a basic contradiction between his Minister of Finance and himself exists on this question of bank mergers. Why entrust a study to two committees when they have no idea which direction the government wants to go?

**Senator Carstairs:** This is exactly the point. Two committees, one in the Senate and the other in the House of Commons, are being asked to identify what they feel would be in the best public interest.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, my question is for the Leader of the Government in the Senate. I was under the impression that, last year, the government had refused to allow bank mergers because this would adversely affect competition in the banking industry in Canada. We would also have fewer banks, and consumers would suffer. Public interest would be equated to the interests of consumers.

The Competition Bureau is responsible for reviewing this issue, so why not let it do its job? The Commissioner of the Competition Bureau has quasi-judicial powers. He must examine the situation and report to us. If the government decides that it wants to go further than what the act provides, this is a different matter. The government claims that it is different for banks, but they are private businesses. Will the government decide, for instance, that International Harvester cannot merge with John Deere or that Manufacturers Life cannot acquire Standard Life? What is this all about?

If it is the criterion of competition that we want to measure, we should let the Competition Bureau do its job and then the government can make its decision and live with it, but not before. The government seems to be making its decision before the Bureau has made its own decision.

[English]

**Senator Carstairs:** Honourable senators, with the greatest respect, I thought I was here as a senator to contribute to the development of policy of the Government of Canada in its broadest perspective. That is what we have been asked to do here, to examine this particular narrow issue and report to this chamber and the other chamber, to give the government the best advice we can possibly provide. I thought that was our job as parliamentarians.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

**Hon. Jean-Robert Gauthier:** Honourable senators, my question is to the Chair of the Standing Senate Committee on Social Affairs, Science and Technology. It deals with the proposal made by official language communities to add a sixth principle to the five existing principles of the Canada Health Act, a principle that would recognize the duality of this country and give access to health services to both English- and French-speaking Canadians. The report that was tabled last week did not talk about this issue, although I am quite aware that the committee itself heard about it last summer. Given that Senator Morin, a member of that committee, proposed to this house yesterday that the report entitled, "For A Better Access to Health Services in French" be examined and reported on by the committee, will the chair tell us that he will make it a priority that that issue come forth as soon as possible?

**Hon. Michael Kirby:** Honourable senators, what will happen, as a result of the order that was passed on October 29 by this chamber, is that the issue, which had originally been referred to the committee in the last session, will come back before the committee. We have agreed to table a report before the Christmas break, before the end of November, it is hoped.

I am not about to speculate on whether the issue of adding a sixth principle to the Canada Health Act will be part of the report. I should say that the issue, although raised by witnesses, was not covered in the report itself. It is an issue that witnesses have raised. The frame of reference, and indeed the whole intent of the hearings, was to respond to the report, not necessarily to every issue that witnesses have raised. In the absence of the committee having met to work out a report, I am not in a position to predict what will happen, other than to say that one should not assume that every issue raised by witnesses will automatically be included in the committee report.

• (1420)

## ORDERS OF THE DAY

### TAX CONVENTIONS IMPLEMENTATION BILL, 2002

#### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C., for the third reading of Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am most appreciative, as are others, of the Standing Senate Committee on Banking, Trade and Commerce for having allowed the discussion on this particular bill to go beyond its purpose in order to also discuss Canada's entering into agreements with countries with which it has very little in common — in effect, countries that have a disdain for human rights, a disdain for women and an appalling record with children. They cannot be even compared to any country with a minimum amount of democratic features. The discussion was inconclusive, but at least it allowed both those who believe in engagement and those who believe in a harder line to express themselves. This is the first time, since I have been following debates on tax conventions such as those included in the bill before us, that the debate has gone so far beyond its subject matter.

It is reassuring, for future debates, that the Department of Foreign Affairs and International Trade has agreed that when future tax conventions of this nature are brought before Parliament, the department will include an assessment of the country, particularly as far as its human rights record is concerned. In that way, we will be able to have further discussions on the advisability of entering into formal negotiations of this nature. In my opinion, when we do so, we sanction these regimes, in effect. Others will disagree and say that is a naive approach. They will say that we must protect our citizens and ensure that, no matter where they are, legal protection is available to them.

Honourable senators, the debate continues. I am delighted that the Banking Committee has allowed discussions to move forward, and I look forward to future debates on the same topic, both here and in committee.

**Hon. Marcel Prud'homme:** Honourable senators, I attended the meeting to which the honourable senator has referred. It was my first meeting as a member of the Banking Committee. I believe

that honourable senators would appreciate knowing some of the background to add to what Senator Lynch-Staunton has just said.

Committee members had a highly interesting exchange of views with the bureaucrats. In particular, I remember the views of Senator Fraser, our esteemed colleague, who sits on the executive of the Inter-Parliamentary Union. She disagrees with those who put forward that this bill takes into account the human rights situation and the state of women in some of these countries. This has always been a major concern of Senator Fraser. I have also been concerned about the place and responsibility of women in society. As Senator Lynch-Staunton said, there is an eternal debate between the partisan aspects of trade or human rights versus trade and human rights.

I suggested to the witnesses the organization of a debate on this issue. The two ministers responsible, the Minister of Foreign Affairs and International Trade and the Secretary of State for International Financial Institutions, the second of whom, Mr. Bevilacqua, was present at our committee meeting, could organize such a debate among interested colleagues. The subject of the debate could be free trade or human rights on one side, and trade and human rights on the other side. I would volunteer to participate in such a debate. I believe that trade and human rights is the way to go, not trade or human rights.

Departments, NGOs and many of the people who are interested in these matters strongly believe that the policy of engagement is probably the best way to go when we deal with big differences between political regimes.

It is interesting that after we had this vigorous debate and exchange in committee, I received a fax announcing that women were being given the right to vote in Bahrain. Women are on their way to being given the right to vote in Kuwait and will be given the right in Qatar. This progress can only come about from a policy of engagement with these countries. Senator Milne and I were in these countries with our late Speaker, the Honourable Senator Molgat. Senator Milne has put her views forward and does not need any supporting actors.

At the moment, Senator Fraser is adamantly promoting the rights of women at the Inter-Parliamentary Union. She is in a position to influence others by accompanying representatives of developing nations and showing them what we do in Canada.

The exchange that took place during the debate in committee was highly interesting because it was non-partisan. Various members participated with strong views. I am delighted to have heard the views of Senator Fraser at that time.

I may undertake to have a debate next week on trade or human rights versus trade and human rights. I am sure that I will find more arguments in favour of trade and human rights as the way to go.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.



[Translation]

## COPYRIGHT ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-11, to amend the Copyright Act.

**Hon. Jean-Claude Rivest:** Honourable senators, Bill C-11 is a bill that is limited in scope and technical in nature, but it is nonetheless very important for communications networks as a whole and for all types of creators, particularly in the arts.

Honourable senators, second reading of Bill C-11 provides us with the opportunity to recall one of the major accomplishments in the evolution of our society and the expression of a uniquely Canadian culture, a culture that is diverse and especially creative. I am referring to past work in the areas of research, science and technology, but also in the area of culture and specifically of artistic creation, to promote copyright protection.

• (1430)

Honourable senators, we are aware of the central importance for any developed society to acknowledge creators — those who innovate and initiate advancement in their field, whether it be culture, science or technology — and to recognize their accomplishments as artisans of our society's progress and affirmation. The notion of protecting creation is critical for the evolution of our societies. Add to this the notion of fair and just compensation for these creators while respecting the rights of consumers.

On the issue of copyright, first, identifying and recognizing authors is relatively simple. Second, methods of dissemination of an author's works are also relatively easy to determine: a network of book distributors exists. Third, the legal administration is easy. However, Bill C-11 deals with the Internet, which goes much further.

The publishing of a book is easy to monitor. The process by which other types of works are distributed is not only complex, but by its very nature, it may lead to management difficulties. Take a play for example. It is easy to identify the author of a play. Why not recognize the important part played by the performers, the actors and the dancers in the creative process in the performing arts?

The President of the Union des artistes in Quebec is receiving requests for copyright to be granted not only to the author of a play, but also to the directors. In the context of copyright, the definition of what a creator is is particularly complex.

Bill C-11 does not deal specifically with creation, but rather with its distribution. With books, copied are made. Plays, movies, compact discs and the like can easily be copied. There are various

techniques available for that purpose. This is why the issue of copyright is relevant. In that sense, it is difficult to assess losses while, at the same time, respecting the rights of consumers.

Bill C-11 goes further. With respect to distribution, let us consider cable distribution, for example. Legislation is well established for radio and television broadcasting, but not for cable broadcasting. A number of questions arise. Who are the providers? Who should pay the copyright? Who foots the bill?

Honourable senators, in Canada, we have had a legal framework in place for cable broadcasting since the mid-1980s. Technology, however, has been developing steadily. We already had well-regulated television networks and cable networks, also regulated, and then the Internet was born. A piece of music or a play can be downloaded from the Internet. We may legislate nationally, but Internet signals can be received from abroad and they can broadcast works of creators who happen to be Canadians.

This problem was debated extensively in parliamentary committees and in the House of Commons when the bill was introduced. We have found, and this is the very essence of Bill C-11, that it is necessary to provide a legal basis for a regulatory authority. With a general purpose bill, it is difficult to regulate properly an area like this one, given the many and varied stakeholders in the field of creation and distribution systems and methods, as well as the complexity inherent to the new Internet technology.

This bill will provide a legal framework for the government's exercise of its regulatory power over the CRTC and the industry, with a view to recognizing and protecting the fundamental rights of the creators, and distribution to the greatest possible number of readers, viewers or others.

Honourable senators, this bill raises a number of difficulties and concerns. In the preliminary examination in parliamentary committee, one of the first problems raised was infallibility. There is no fail-proof technology whatsoever available to guarantee that retransmissions via the Internet would be unlimited in Canada but would not extend to other markets. How can some degree of extraterritoriality be legislated?

The second problem is the integration of Internet transmissions with mandatory licensing, which has been acknowledged as an effective solution to the problems relating to cable distribution. Does this apply to Internet transmission? As well, the wholly financial aspect must not be neglected. It must be kept in mind that the advertising revenues of local broadcasters would be seriously threatened, because broadcasts for which they had not obtained exclusive broadcast rights would be in competition with Internet retransmissions.

Not only does each method of distributing a creation have its own dynamic, its own constraints and its own rules, but also the legislator and the government must, in the public interest, ensure that the regulations strike a balance between the various types of broadcast, all of which have the right to exist, of course.

Honourable senators, this bill is an important step in a process that will go well beyond its passage. It is significant for creators, for broadcasters and for the Internet, in terms of protecting and enhancing copyright.

• (1440)

Honourable senators, I will conclude by pointing out that this bill is necessary. Again, it provides a legal foundation for the exercise of regulatory power. How can we respond to the demands and concerns that creators and the industry may address to members of the Senate, of the House of Commons and of the government? This bill tells them very little about the Internet situation or problem. It is the regulations that will determine the intrinsic value of the government's initiatives.

This is unfortunate. Quite often, a regulations committee will take a keen interest in this issue. In such an area, it is unfortunate that the majority of parliamentarians are content to discuss general principles and are unable to debate the substance and the merits of the regulations, which give a true measure of the treatment reserved for creators and broadcasters.

This is a technical area. However, it is of real significance, particularly for performers. It is very important that every parliamentarian in the Senate, the House of Commons and the Government of Canada who represents the public not only support artistic creation, but also technological innovations, because the performers do have to make a living. I hope that those who are interested in these specific issues as they pertain to the arts can take a look at the regulations during the course of our proceedings and determine how effective they are likely to be in promoting and protecting the fair and just use of copyright for creators in Canada.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[English]

#### SPEECH FROM THE THRONE

##### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(4th day of resuming debate).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I would remind honourable senators that eight days are allotted for debate on the motion currently before us and that tomorrow will

be the fifth day of debate. Many of my colleagues on this side wish to engage in the debate, and some have indicated to me that they will be ready to participate next week. Hopefully, they will all be ready by next week.

My concern is that, if we debate this matter today and tomorrow, and if we sit on Tuesday, Wednesday and Thursday of next week, Thursday of next week will be the eighth day. Perhaps the Deputy Leader of the Government can confirm my understanding of the rule, that eight days are allotted for debate and that if we use today, tomorrow and three days of next week, this debate will be concluded a week from Thursday.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, my colleague has pointed out that there are eight days for this debate. If we continue in this manner, as he said so eloquently, this debate will end next week.

I would invite all honourable senators who intend to speak during this debate to do so. If there is any honourable senator who wishes to speak today, we are prepared to listen. The same applies for tomorrow and next week. If there are other honourable senators who would have liked to speak, but were unable to do so because of special circumstances, we can always take this into consideration. I would like honourable senators to prepare themselves, so that we can get to the eighth day as soon as possible, without denying anyone the opportunity to speak.

[English]

**Hon. Lorna Milne:** Honourable senators, I believe that the debate on the Speech from the Throne is the best opportunity that we as parliamentarians have to discuss, even briefly, our dreams for our country and how government can get involved in the lives of ordinary Canadians, and make a difference.

I am a dedicated member of this chamber because I passionately believe that it is the government's responsibility to provide opportunity, hope and leadership to all its citizens. We have not had such a great opportunity since the end of World War II. In 2002, Canada has a real opportunity to make a longterm investment in the foundations of our society. We have avoided recession, tax rates are low and competitive, Canada's economy will grow at the fastest rate in the G8, and government revenues are starting to climb again. There is no doubt that our economy has been rebuilt over the last 10 years and rests on the firmest foundation that it has had in over half a century.

We have the economic fundamentals right, but in order to build a solid economic foundation we have had to take resources away from the social foundation of this country, and it is that human superstructure that we must rebuild.

The portion of the Throne Speech that resonated with me more than any other was the government's plan for our cities. Statistics Canada will tell you that cities are becoming increasingly more important in Canadian life as new immigrants and young people flock to urban areas for greater job opportunities and all the amenities of city life. That is about the only thing upon which Statistics Canada and I agree.

[ Senator Rivest ]



Canada is an increasingly urban society. We want to live in cities where we can watch a Maple Leafs or a Senators game, attend a performance of the Royal Winnipeg Ballet, enjoy the Just for Laughs Festival or simply sip a margarita in the Byward Market. Until last week I would have added, "enjoying the Calgary Philharmonic Orchestra," but it has been forced to close its doors.

Canadians want to live in neighbourhoods where there is a lot of room for their kids to play, the library is just across the park, the schools and the streets are safe, and the commute to the office downtown will not kill them. The fact is that, despite the growing demand for services in urban centres, the revenues of municipal governments have not been increasing. Our Fathers of Confederation could not possibly have imagined, over 100 years ago, that a municipal government would become a multibillion dollar business serving the needs of millions of people.

As a result, the tools that municipalities presently have to address the demands upon them are woefully inadequate. I am pleased to see that the federal government has recognized those needs and has committed itself to meeting them. In particular, I believe that the excellent work done by the member from York West in the other place will provide a good framework for investing in our cities.

• (1450)

However, there are several other parts of the government's plan on which I wish to comment. The first is the government's plan to extend programs to create affordable housing and to help those who are homeless.

Honourable senators, in my hometown of Toronto, earlier this fall, Home Depot chose to evict dozens of squatters who had taken up residence on their land, a desolate, polluted, former industrial site on the shores of Lake Ontario. They built what was called Tent City. Although I understand, perhaps with some difficulty, the decision of this commercial corporation, the whole incident speaks volumes about the need for government involvement in housing issues. Too many people die on the streets of Toronto each winter. Shelters can be dangerous places where crime or violence may occur. Often, when people desperately need shelter, there is no place for authorities to place them for a safe night's sleep other than in the local jail.

Furthermore, honourable senators, there is a crisis of affordable housing in our cities. In cities such as Ottawa, Toronto and Vancouver, fewer than one per cent of all rental apartments are vacant at any one time. There is little incentive for developers to build affordable housing because the profits involved are not large enough for them. Meanwhile, condominiums and townhouse complexes seem to spring up almost overnight, just like mushrooms, to feed the needs of our young middle class. Rental rates in many provinces are not effectively controlled. This fact prevents many poor people from moving to an area where there are jobs or even from finding decent housing, in the first place.

In order to house the thousands of people flocking to our cities, it is imperative for the government to provide incentives to builders to generate affordable housing. If we fail to do so, the number of homeless in our cities will continue to explode. The homeless and the helpless will continue to freeze on our streets in the winter and many who are sick will not have the rest, the stability and the nourishment required to fight their illnesses. It is clearly imperative that the federal government get involved.

The statistics about the number of working poor who live in shelters is extremely disturbing. In my own region, the Region of Peel, 60 per cent of the people who live in shelters go to work every day. They are employed. In Calgary, 50 per cent are employed; in Toronto, 30 per cent are employed. They are the working poor. What more can one ask of a person than that they get a stable job and try to contribute to society? Do they not all deserve access to affordable housing as well? Investment by the federal government in this field is long overdue.

The other two components of the federal government strategy for cities that I want to talk about are closely related: long-term sustainable funding for infrastructure projects and the approval of the Kyoto accord. This may seem an odd pairing of subjects to discuss together, but they do fit hand in glove.

Massive traffic congestion is a way of life in Canada's cities. Anyone who has ever tried to drive on the Don Valley Parkway in Toronto at five o'clock in the afternoon will tell you there is a reason why it is called a parkway and not a driveway. Even before September 11 last year, the downtown core of Windsor was clogged with big rigs on their way to and from the United States, and tighter security since then at the border has exacerbated the problem. In both cases, the air we breathe contains the exhaust from thousands of idling vehicles. A thick layer of smog envelops the downtown cores of most Canadian cities throughout the country.

From where I live in Brampton, we used to be able to look east toward Toronto, and we would shudder at the yellowish-brown haze in the air over the city. However, we could always look west or north and see clean air. This past summer, we saw yellowish-brown air no matter in which direction we looked. It covered the entire area of Southern Ontario, from Niagara and Hamilton to Oshawa and Peterborough. It was a layer that just would not go away.

In addition to the health and environmental issues, traffic congestion is a quality of life issue as well. Canadians are spending more and more hours behind the wheels of their cars instead of spending time with their families and friends.

The government must attack this multi-headed problem from a number of directions. The government needs to invest in our railway system in order to get the trucks off the roads, particularly off the commuter routes. Our government needs to expand the highway system leading to the United States border and the customs system at the border to keep the traffic moving.

As a Liberal senator for southwestern Ontario, I specifically call on the government to act quickly to build the infrastructure necessary to get the trucks off Huron Church Road in Windsor. I understand that plans are already in the works and some announcements have been made in Windsor about new infrastructure there. It is my sincere hope that this spending and the construction will come quickly.

In addition to the infrastructure improvements that are necessary, we need to take steps to make it cleaner to drive in Canada. One step that the government should consider is to speed up its plans to prohibit the use of sulphur in gasoline sold in Canada. It is my understanding that only one oil company in Canada has reduced the sulphur levels in its gasoline below current regulation levels. That is unacceptable. Meanwhile, burning sulphur in gasoline is a primary source of pollution caused by vehicles. Banning the sulphur content in gasoline is somewhat akin to banning the lead content in gasoline that was done quite a few years ago. I hope the federal government will quickly undertake to not only enforce the present regulation but to go further.

More important, the government should be encouraging the use of ethanol in our gasoline. Ethanol is a renewable source that burns much cleaner than gasoline. The end product of burning ethanol is water. Every passenger vehicle bought in Canada today is able to run on gasoline that contains up to 10 per cent ethanol. It does not cost you a penny to convert your car. You can use gasoline now that contains 10 per cent ethanol. Specialized vehicles can run almost exclusively on alternative fuels. The government should insist that ethanol become standard in all gasoline. It is safe, cheap and, most important, will reduce the output of the greenhouse gases that create the layers of smog that are stifling our urban centres.

I can make a suggestion to the government about the kind of place where they should start with this sort of initiative. An example is the Seaway Valley ethanol plant that they are hoping to organize in eastern Ontario. It is farmer-run and it is a "farmer-begun" initiative. The farmers have put in their own money. The federal government has helped; the Ontario government has not. This is precisely the kind of initiative that governments need to encourage. These investments will improve the quality of life not only for people in our cities but also for people in our rural areas because they will be able to sell the raw materials for ethanol. They will help Canada to meet its international obligations under the Kyoto accord. I believe that Canada has a duty to make a contribution to the world's attempts to stop global warming. There is no doubt that Canadians are starting to feel the effects of climate change from the drought stricken areas of the prairies to our smog-infested cities, where I live, to the diminishing sea ice and permafrost in our Arctic. There are many scaremongers out there who predict the collapse of the Canadian economy if we fully implement the Kyoto Protocol. I strongly believe that their fear is misplaced.

• (1500)

We need only look to a small item published in *The Globe and Mail* a few weeks ago to see about how easily such fear can be misplaced. The article simply noted that the hole in the ozone layer above Antarctica is closing. For the first time in over a

decade it is actually closing. Honourable senators may remember the heated debate some 15 years ago about the use of chlorofluorocarbons, CFCs, in our air conditioners and aerosol products. Canada, like most Western countries, banned the use of CFCs. At the time, opponents raged on about how we would be forced to lose our air conditioning and hair spray would become a thing of the past. It was a genuine and passionate debate that took up the front pages of our newspapers for quite some time.

Honourable senators, we still have air conditioning and we still have hairspray, in spite of the fact that some of us do not use it. I do not know of any widespread layoffs in the heating and cooling industry and in the companies that bottle hairspray, but we have made a difference.

The ozone layer is thickening again and, as a result, UV rays penetrating our atmosphere should begin to diminish, along with skin cancer rates. No major companies went out of business because innovative minds found substitutes for CFCs that did not damage the environment. I truly believe that we will meet our Kyoto commitments in ways that have not yet been invented and without the economic catastrophes that have been predicted by some.

Honourable senators, the time to invest is now. Canadians are telling us that they want their government to invest in their lives. Now is not the time for government to withdraw from Canadian society. We can see from the Speech from the Throne that the government has heard this message. They are preparing to make significant, long-term investments in our cities, in the environment and in other areas of great importance to Canadians, including health care. I applaud the government for its plans and I anxiously await its action.

**The Hon. the Speaker:** Honourable senators, the time has expired for Senator Milne.

**Senator Milne:** Honourable senators, may I request time to answer questions?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Hon. Leonard J. Gustafson:** Honourable senators, Senator Milne has recommended that we spend a great deal of money in the urban areas. I come from a rural area. She seems to indicate that in a country such as Canada, with its great rural expanses, we should pack all the people into three or four big cities. The honourable senator talked about the problems of street people without homes, but would it not be better to spend some money in rural Canada to develop resources in an area where this would not happen? It seems that we are creating a major problem for ourselves in Canada.

**Senator Milne:** Honourable senators, I thank Senator Gustafson for his question. I narrowed in on some particular sections of the Speech from the Throne because in 15 minutes I would not have been able to cover all that I would have liked to cover.



I agree with the honourable senator. We must somehow encourage new immigrants to move into rural areas.

The production of ethanol for use in gasoline would be a major source of income for our rural areas. I strongly suggest that this be done. As the honourable senator knows, I have campaigned for quite some time for an increase in the growth of hemp crops in Canada.

**Hon. Nicholas W. Taylor:** Honourable senators, I have a supplementary to Senator Gustafson's question suggesting that being required to live in Toronto or Montreal would be akin to being confined to a jail.

The Honourable Senator Milne is familiar with the addition of ethanol to gasoline, that ethanol being produced typically in rural areas. Is she also familiar with Brazil's practice of adding oil to diesel to make biodegradable diesel, which is another great way to reduce greenhouse gas emissions? That would also be done to the advantage of rural areas.

**Senator Milne:** I thank Senator Taylor for his question. Interestingly enough, Rudolph Diesel invented the diesel engine to run on vegetable oil. Diesel engines can easily be converted to run on a mixture of diesel fuel and vegetable oil, and I sincerely hope that this kind of initiative will be encouraged.

**Hon. John G. Bryden:** Honourable senators, I am familiar with the honourable senator's interest in the agricultural industry in the rural area. Am I correct in saying that part of that interest stems from the fact that she is a graduate of the agricultural college in Guelph and that her husband is an agricultural engineer?

**Senator Milne:** Honourable senators, I did not set that question up. Yes, I am an "agi" and have always taken a great interest in farming issues.

On motion of Senator Kinsella, debate adjourned.

## HERITAGE LIGHTHOUSE PROTECTION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator LaPierre*).

**Hon. Pat Carney:** Honourable senators, I am pleased to rise today to speak in support of Bill S-7. As some honourable senators may know, on Saturna Island, where I live, there is the famous East Point Lighthouse where the Gulf of Georgia and the Juan de Fuca Strait meet. It was built in 1888 after the barque *John Rosenfeld*, carrying the largest shipment of coal to that date, ran aground on Boiling Reef. Saturna Island residents heated their homes for many years with the coal that was salvaged from that wreck. Subsequently, the lighthouse was built and is still in operation, serving the marine traffic on these heavily utilized channels that serve as the international boundary between Canada and the U.S.

Bill S-7 is urgently needed. Neglect is destroying many of our historic light stations, and members of public who would like to help save them find themselves hamstrung by a process that will

not allow them to do this. This bill promises to put a regulatory structure in place that will help us to preserve these historic sites. Without the protection offered by Bill S-7, we will lose a precious part of our natural history and marine culture.

Senator Forrestall asked me to provide a West Coast perspective to the bill so that we could design proposed legislation suitable for our light stations on the Pacific, as well as for those stations in other parts of Canada. In British Columbia, we need an act to protect the lighthouses not only to preserve our maritime history but also to preserve our maritime present and our maritime future, since many of those light stations are still in operation and are still needed.

• (1510)

Bill S-7 was first introduced in April 2000 as Bill S-21, and again last year as Bill S-43. It is modelled after the Heritage Railway Stations Protection Act. Its purpose now, as then, is to preserve and protect our heritage light stations. Bill S-7 does this in three ways: first, by providing for the selection and designation of heritage light stations, whether they are still being used as navigational aids; second, by preventing their unauthorized alteration or disposition through a prescribed process for public consultation; and third, by requiring that heritage light stations be reasonably maintained.

Current legislation gives to two federal government bodies the power to select and designate heritage lighthouses: the Federal Heritage Building Review Office, FHBRO, and the Historic Sites and Monuments Board. As it stands, the process has its problems. Under the current legislation, more lighthouses are being rejected than protected. FHBRO has rejected 157 lighthouses for heritage status. In fact, only 3 per cent of our lighthouses across the nation have genuine heritage protection, and only 12 per cent have even partial protection. In B.C., the figure is lower: 9 of 52 light stations are currently designated as fully or partially protected heritage buildings, and that figure is too low.

Another shortcoming of the current system is that the public has no right to participate in the process of selecting or designating heritage lighthouses. There are many community groups that would love to be involved with the renewal of nearby lighthouse sites, but they have been curtailed in their efforts by regulations in place, while local light stations deteriorate.

A third and crucial drawback of the current system is that there has been no provision made to adequately protect the sites that are given heritage designation. The Canadian Coast Guard does not have a mandate to protect the cultural significance of the lighthouses, and it is not in a position to provide the care needed to maintain these heritage buildings. Bill S-7 will address all of these issues.

Bill S-7 also ensures public participation in this process. As well, the proposed legislation prohibits anyone from altering or disposing of a heritage lighthouse without obtaining authorization from the Minister of Canadian Heritage and without giving public notice of the intention to do so.

Senator Forrestall and others have provided a good review of this bill and what it intends to do.

I should like to take a moment to talk about the lightkeepers who serve us on these light stations and who are also a part of our heritage. I was very happy to learn that 16 senior, long-service lightkeepers are among British Columbians who are being awarded the Golden Jubilee Medal of Queen Elizabeth II for long service. This week, Glenna Evans, who is the Coast Guard supervisor of light station operations, is in a helicopter for six days delivering Golden Jubilee Medals to 16 lightkeepers up and down the coast. She says she is honoured to deliver these medals.

I want to tell honourable senators something about those lightkeepers who are recipients of the Golden Jubilee Medal.

One of the lightkeepers is Jim Abram, who was the former lightkeeper at Cape Mudge on Quadra Island, one of the most dangerous transit points on the coast because it is near the place where the tides change. It is a most unpleasant experience to be off Cape Mudge when a flood tide is running south into a southeast wind. I can speak from experience. That site is also very important to Aboriginal history. Jim Abram and his wife, Wendy, will be receiving their medal.

I should like to point out to honourable senators that we were unable to have families designated as recipients of the medal. As everyone who knows of this subject is aware, it is the families who keep the light, not just the lightkeeper. The medals were designated in one name, and so we chose the lightkeeper.

All of this reminds me that in 1898 a former marine and fisheries minister said in a speech that he thought that only married lightkeepers should be awarded these positions because that way the government receives the labour of their wives for free. The wives and the families are important in maintaining the lights.

Ted Ashe at Pulteney Point on Malcolm Island off Port McNeill is another recipient. He and Karen have raised five children on the lights. Their daughter Michelle held her wedding on the light station last year.

Harvey Bergen at Bonilla light station is another recipient. Telephone communication with lightkeepers is not always easy, but he told me when I called him that he was flabbergasted to receive the medal. He has been on the lights since he was six. His dad was a lightkeeper, and they both served at the same time at Dryad Point on the coast. His wife's name is Leonora. When I told him that that was a pretty name, he told me that she is a pretty woman. It seems that it is good for your marital status to be on the lights.

Norbet Brand at Cape Beale, which is in the Tofino-Ucluelet area of the coast, said that he was deeply honoured to receive the Golden Jubilee Medal. He and his wife, Kathy, have lived on the lights for years. He said he loves serving on the lights and loves the area.

Most of these lightkeepers have lived for years on their particular lights. Every single one of them maintains that their light is the most special, no matter where it is.

Larry Douglas is at Entrance Island. You pass his light as you go by sea into Nanaimo and Departure Bay.

Gerry Etzkorn and his wife, Janet, serve at Carmanah Point. I found them with his mother in California.

**Senator Taylor:** A nephew!

**Senator Carney:** He is a nephew? He comes from a distinguished family.

He was in California visiting his mother-in-law. He said that receiving the Queen's Golden Jubilee Medal is one of the high points of his career. Their light is on the West Coast Trail. They serve many hikers. They have also reported oil spills. Now they consider aviation weather their most important service. All of these things are under attack by the cutbacks to the Canadian Coast Guard. Tomorrow, we will hold a press conference on that issue.

Larry Golden is on Triple Island, which is 30 miles from Prince Rupert. He says that on a clear day he can see Alaska and the Queen Charlotte Islands. Nothing grows on Triple Island. He is very happy because he is interested in marine biology and he cites that there is lots of algae on the island.

Dennis Johnson, the Cape Mudge lightkeeper, has been on holiday. I have not spoken to him, but I have spoken about Cape Mudge.

Of course, Edward Kidder and his wife, Pat, are at historic Nootka on the West Coast. There is only air and water service to Nootka. It is one of the most famous places in the Pacific. Nootka is the site of the first European contact on the North Coast. It is where the Spanish met the British and fostered the Nootka Convention, which broke the Spanish hold on the entire Pacific. Edward and Pat Kidder have spent 42 years on the lights, 32 years at Nootka. Nootka is extremely isolated. Pat, who is known as the Lady of the Lights, has been on the lights since age 15 because her father was the lightkeeper at Entrance Island. I get to visit them fairly often, because I go to Friendly Cove, known as Yuquot, which holds a festival to celebrate the European contact with the Aboriginals. Speaking to the Spanish, when the Aboriginals said "Nootka," it meant "Come over here, around the point and into the bay. Over here! Nootka, Nootka." As I have said in this chamber previously, I love that.

Pat and Edward, who are retiring in April, will get the medal.

The tenth lightkeeper is Ian McNeil and his wife, Joan. They are on Trial Island, off Oak Bay. They are ex-Saturna Island lightkeepers; they were at East Point for many years. They have been 37 years on the lights to be precise. They enjoy Trial Island. They report that 29 plants are on the endangered species list on that island. It is unique. They like it. They say that it is blissful to be so close to Oak Bay because you can see the light station from Oak Bay, a suburb of Victoria.

• (1520)

Peter Redhead serves at Pachena Point on the West Coast. He is doing research on Coast Guard services in other countries. Don Richards of Merry Island, off Sechart, and his wife Kathy have raised a family on the lights. He thinks that his light at Merry Island is "an absolute jewel of a place."

[ Senator Carney ]



I want to remind honourable senators that when we had an ad hoc parliamentary committee several years ago on keeping staffed light stations, Allan Richards, their son, who is eleven years old, wrote a letter to us narrating his experiences of seeing the home in which his family lived and loved on Lucy Island, off Prince Rupert, being burned to the ground by the Coast Guard as a cost-cutting measure to save taxpayers' dollars. That would not be allowed under Bill S-7. A lighthouse could not be burned down without going through due process.

Gordon Schweers and his wife Judy, at Langara Point, have served 30 years on the lights. He said he considers the Jubilee Medal the highlight of his career.

Alan Tansky and his wife Darlene are at Scarlett Point near Port Hardy. His dad was a lightkeeper too. He has been on the lights since he was 12 years old. They home schooled a son and daughter on the lights.

Number 15 of the 16 is Stanley Westhaver, a former leading seaman. He is on rehabilitation from a leg injury. He and his wife, Judy, served at Egg Island for 25 years. Egg Island is where Smith Inlet comes down out of the Coast Mountains and has some of the best fishing on the mid-coast. He says that being lightkeeper at Egg Island "is the greatest job on earth."

Don Graham, the sixteenth lightkeeper, and his wife Elaine have been at Point Atkinson for many years. He is the historian of the lights. He served at Lucy Island when it was staffed before it was burned down. He is the author of *Keepers of the Light* and *Lights of the Inside Passage*, which recount many wonderful stories about the West Coast lights, which are our marine heritage.

These are the long-service lightkeepers who are part of our heritage, as are the light stations in which they serve. They are all, of course, delighted that the Senate is considering Bill S-7, to protect heritage lights.

[Translation]

**Hon. Jean Lapointe:** Honourable senators, I would like to say that I fully support Senator Forrestall's motion. As I said last week, I mentioned last week that I am a philatelist, and for those who are not aware, there was a series of books of stamps issued a few years ago on the lighthouses of Canada. It was such a great success that they issued a second series with other lighthouses. It is a very important subject.

I have a somewhat amusing question to ask the Honourable Senator Carney. It is a humorous one. I do not think that my question will upset you. Here is my question: The couple that conceived and raised its five children in the lighthouse, were the lights on when they did this, or did they do it in the dark?

[English]

**Senator Carney:** Honourable senators, does that require an answer?

**The Hon. the Speaker:** I thought that the honourable senator was speaking to the motion. Time is up, so leave would be required if we are to give Senator Carney the floor again.

Senator Carney, are you asking for leave?

**Senator Carney:** I would love to ask for leave. I am not sure of the nature of the question.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Carney:** Honourable senators, these are very isolated light stations. There is no television and very poor communications. It is amazing how many lightkeepers have successfully raised children on the lights in apparent domestic bliss, if that answers the question.

**Hon. Nicholas W. Taylor:** Honourable senators, I have both a technical question and a comment. The comment is that I assure the Honourable Senator Lapointe that having nine children in our family, we did not spend any time in a lighthouse.

Will preservation of the lighthouses mean that an attendant will have to be there, or can the lighthouses be preserved without being operated by a tenant? In other words, can they be mechanized in such a way to preserve the structure and provide the light? Is the honourable senator arguing that preservation includes employing a lightkeeper?

**Senator Carney:** Honourable senators, there are two situations before us now on the West Coast. We still have staffed lighthouses. Twenty-seven of the 52 lighthouses are still staffed, which means that there are lightkeepers on the stations who maintain the lights. They are being maintained now.

One of the concerns on the East Coast to which Senator Forrestall has spoken is that there are no people on some of these lights. There are light stations in British Columbia that are operated and maintained by the Coast Guard as automated lights.

However, there is no protection for lights stations taken out of service. This bill will provide that protection. If a light station is not to be used for some reason, community groups can have an opportunity to seek its preservation and maintain it themselves as a museum.

The bill allows members of the public to object to the minister about any plans to make changes to a heritage light station so that it cannot be turned into a McDonald's or Starbucks. The bill preserves the nature of the lights.

There is no particular provision in the bill to require someone to be in residence at a lighthouse that is not staffed, but there would be provisions for lighthouses to be maintained by some agency or community group so that their historic nature cannot be destroyed.

A lighthouse in Georgian Bay or the Great Lakes was literally blown up when it was designated as no longer useful. That is why this bill is so important. It will preserve the heritage lights through a process.

Honourable senators, the provisions in this bill are very flexible and allow for lighthouses to be rejected or accepted in a very public process. It would avoid situations where machinery is taken out. The machinery and the lights are unique in some of these old historic buildings. The bill would provide that light station machinery and the site itself could be preserved through due process. They could not be demolished or destroyed without due process. That is the importance of the bill.

On motion of Senator Rompkey, debate adjourned.

### THE SENATE

#### MOTION TO RECEIVE LIEUTENANT-COLONEL PAT STOGAN, ARMED FORCES, IN COMMITTEE OF THE WHOLE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings,

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Atkins, that the motion be amended in the first paragraph thereof:

by replacing the words "Tuesday, October 29, 2002" by the words "Tuesday, November 5, 2002 at 4:00 p.m."; and

by adding after the words "Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002" the words "and Brigadier-General Michel Gauthier, former Commander Canadian Joint Task Force Southwest Asia, February to October 2002".—(*Honourable Senator Robichaud, P.C.*)

#### MOTION IN AMENDMENT

**Hon. J. Michael Forrestall:** Honourable senators, to accommodate Senator Kenny's original motion, I wish to move an amendment to the motion in amendment of Senator Banks. I would further amend it by replacing the words "Tuesday, November 5, 2002 at 4:00 p.m." with the words "Tuesday, November 19, 2002 from 2:05 p.m. to 3:30 p.m."

[ Senator Carney ]

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment to Senator Banks' amendment?

Motion in amendment agreed to.

• (1530)

**The Hon. the Speaker:** It was moved by the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe, that the Senate do resolve itself into a Committee of the Whole —

**Senator Kinsella:** Dispense.

[*Translation*]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, we have just voted on a motion in amendment, to amend an amendment. Should we not now vote on the amendment, before voting on the original motion?

[*English*]

**The Hon. the Speaker:** The honourable senator is correct. We have not voted on the motion in amendment of Senator Banks. Accordingly, the question should be put on his amendment as amended.

It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Atkinson, that the motion be amended in the first paragraph thereof by replacing the words "Tuesday, October 29, 2002"—

**Senator Robichaud:** Dispense.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion in amendment agreed to.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe —

**An Hon. Senator:** Dispense.

[*Translation*]

**Senator Robichaud:** Honourable senators, negotiations have taken place on both sides to sit in Committee of the Whole from 2:05 p.m. to 3:30 p.m. For the information of all honourable senators, after the Chairman of the Committee of the Whole has left the Chair or reported, I will move the adjournment of the sitting for the day.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** The Opposition agrees 100 per cent with the procedure suggested by my distinguished colleague. It was suggested that we start at 2:05 p.m. to allow for prayers and for the Senate to adopt the motion for referral to the Committee of the Whole. Following the report of the Chairman of the Committee of the Whole, we will agree to adopt the adjournment motion.



[English]

**The Hon. the Speaker:** Thank you for the procedural clarification.

It was moved by the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe —

**Senator Kinsella:** Dispense.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion as amended?

Motion agreed to, as amended.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Joan Cook,** for Senator Kirby, pursuant to notice of October 23, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Joan Cook,** for Senator Kirby, pursuant to notice of October 23, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## TRANSPORT AND COMMUNICATIONS

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Joan Fraser,** pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Joan Fraser,** pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY

**Hon. Joan Fraser,** pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on issues facing the intercity busing industry;

That the Committee submit its final report no later than Friday, December 20, 2002; and

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-seventh Parliament be referred to the Committee.

Motion agreed to.

## HUMAN RIGHTS

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Shirley Maheu,** pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Shirley Maheu,** pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

# NATIONAL SECURITY AND DEFENCE

## COMMITTEE AUTHORIZED TO STUDY NEED FOR NATIONAL SECURITY POLICY

**Hon. Colin Kenny**, pursuant to notice of October 29, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent a national emergency or attack;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders.

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than February 28, 2004, and that the Committee retain all powers necessary to publicize the findings of the Committee until March 31, 2004.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I understand that this motion asks for a continuation of a study commenced by the National Security and Defence Committee in the previous session. Does that imply that the funds already devoted to this study will be ample for its continuation?

• (1540)

**Senator Kenny:** Honourable senators, it is a continuation of a study which was started previously. At this moment, the committee has no money. To deliver the study, we will need some money.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, I have a question for Senator Kenny. I will put his knowledge of the French language to the test. The French version of his motion reads: "les relations de travail entre les divers organismes participant à la collecte de renseignements," while the English states: "the working relationships between the various agencies."

In my opinion, the English is correct: it says that the relationships between any two agencies are at various levels of coordination. In French however, the expression "relations de travail" has a different meaning. It means "working conditions." Does the honourable senator wish to change the wording in French? Did I speak too quickly? You realize that Senator Kenny is from Trois-Rivières.

**Senator Kenny:** Honourable senators, I speak French with difficulty. I take four weeks of French language training every year, but that is not enough. Consequently, I am reverting to my mother tongue.

[English]

I am not competent to answer the honourable senator's question in French. However, I do understand his point, and I would suggest that what is written here in English outlines the intention of the committee. If the French version is not in accord with the English version, then I would request that we be allowed to bring it into accord.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** The committee is not studying labour relations? In French, this phrase means "labour relations."

**The Hon. the Speaker:** Honourable senators, we might agree to correct it here, with leave. However, I would not feel confident in suggesting the change that may be required.

**Senator Bolduc:** I might propose instead of "les relations de travail," that it state "la coordination entre divers organismes."

**Senator Kinsella:** Honourable senators, I wish to move that, in the French version, we delete the words "de travail."

**The Hon. the Speaker:** Is it agreed, honourable senators, that the motion in French be changed from "les relations de travail entre les divers organismes" to "les relations entre les divers organismes"?

**Hon. Senators:** Agreed.

**Senator Lynch-Staunton:** Honourable senators, can the chairman give us an estimate of how much money the committee needs to complete this study?

**Senator Kenny:** Honourable senators, we have no funding as a result of the prorogation. We need an order of reference before we can apply for funding to complete the study. I regret I have not brought any of the figures with me. Some figures have been prepared, but I do not have them in hand. The normal procedure is that the committee is first given an order of reference from this chamber and then the matter goes before the Standing Senate Committee on Internal Economy, Budgets and Administration or a subcommittee of that committee, as the case may be, to have the budget approved. The chairman of the committee then returns to the chamber to ask that the budget be adopted. I anticipate that I will present the budget to chamber. However, I am not prepared to do that at this time but, had I anticipated the question, I would have organized myself to do that.



**Senator Lynch-Staunton:** I agree with the procedure Senator Kenny has just outlined. However, it is not normal procedure to come before the Senate, ask for a term of reference that sanctions the project, and then put us in the position of having to assess the funds necessary at a later date. It would be most difficult to turn the request down if we have already approved the terms of reference. The system has to be changed so that, when a committee is requested to do a study, whatever its nature and validity, the cost of it is included with the request.

I would think that the chairman of the committee should appear in front of the Internal Economy Committee to determine what budget may be available, discuss the matter, and both chairs would report, at the same time, on the nature of the study and on the cost of the study.

I am not faulting the intent of the Defence Committee. They are doing excellent work. I am concerned that we will be in the embarrassing situation of many committees applying for funds and then finding that they will not be able to do what the Senate has authorized.

If anybody is listening: Can we not reverse the procedure? Can we not have the committees do their homework, outline their study and the costs involved, go to Internal Economy, find out if the funds are available, and come to the chamber with a full package so that we can resolve the matter once and for all? As it is, we do it in three stages and spend more time than we should.

**Senator Kenny:** Honourable senators, I am content to do it any way this chamber directs. If the chamber instructs me to do it in the way suggested, I will be happy to that.

Having said that, I am proceeding in accordance with our rules. To proceed in any other way, would require a reference to the Rules Committee or leave of the Senate, and that, too, would be fine with me. I believe I am following the established practice and, in accordance with that. I have provided all of the information that would be expected of me.

After seeking the approval of the Internal Economy Committee, I will be required, as chair of the committee, to return to the chamber with the budget, and seek the approval of this chamber. If, at that time, the chamber sees fit to approve what has already been defended in the Internal Economy Committee, then we will proceed. If the chamber decides to bury it, it will be buried.

**Senator Lynch-Staunton:** That is wrong.

**Senator Kenny:** With respect, it may be, but those are the rules.

**Senator Lynch-Staunton:** The honourable senator is following the procedure. I would like to see the procedure changed to make it more streamlined and allow us to assess both the nature of the study and have the knowledge that we can afford the study at the same time.

**Hon. Lowell Murray:** I am intrigued by the information that the honourable senator has given us about prorogation wiping out the budget. What happens if the committee has accounts payable on the day of prorogation? Does he know what happens to the

money? Does it go back into a pool under the control of Internal Economy? With regard to his own committee, can he provide a ballpark figure of how much money he had left on hand for this study when prorogation overtook us?

**Senator Kenny:** The response to the first question is that all of the outstanding accounts that were incurred prior to the prorogation are paid. I believe that, within a couple of weeks, those accounts are cleared. However, there is absolutely no question that the services have to be rendered and completed before the date of prorogation. Any remaining funds, or all remaining funding to be more precise, then revert back to the Senate as a whole.

• (1550)

In our case, I do not have the precise figures as to how much we spent. We were set to travel on the day prorogation took place. We had sufficient funds to do that. Had that trip to Saskatchewan and Alberta taken place, we would have incurred significant costs in the range of \$40,000 to \$50,000. Though I feel uncomfortable with the figures, as I know that I am unable to be accurate at this time, I believe we returned between \$60,000 and \$100,000.

[Translation]

**Senator Bolduc:** Honourable senators, I support the point of view of the Leader of the Opposition in the Senate. It is clear that the terms of reference are rather broad in this proposal. Committees like to have broad terms of reference; it does not cost anything. It is after the fact that what costs were involved.

If we followed the procedure proposed by Senator Lynch-Staunton, terms of reference would be more specific. We would know that it will cost us \$50,000. While I may agree with \$50,000, I might not agree with \$500,000. Do you understand? This is relative. We can make a study for \$100,000 and another one for \$200,000 or \$300,000. This changes the terms of reference.

Senator Lynch-Staunton wants our budget process to be established from the outset. Both aspects are important. Otherwise, the whole thing is academic and we have no idea of what the costs may be for the Senate.

[English]

**Senator Kenny:** My earphone was not working, so I did not hear the question.

**Senator Bolduc:** It was just a commentary that the honourable senator can read in tomorrow's *Debates of the Senate*.

**Senator Kenny:** Again, I cannot hear what is being said.

**The Hon. the Speaker:** To clarify, Senator Bolduc did not pose a question, but rather, he made a statement. I wanted to give the honourable senator an opportunity to respond to the statement, though there is no necessity to do so.

**Senator Kenny:** What I did hear seemed to be along the same lines as the intervention of Senator Lynch-Staunton. My answer would be similar. I am happy to proceed any way this chamber decides.

**Hon. Pat Carney:** My question falls between a comment and a question to Senator Kenny. The honourable senator will recall that the same kind of difficulty that arose when we were conducting our study on conservation areas in the Energy Committee, where we were considering policies to conserve Canada's special sites. We were in a position where Parliament prorogued when the report was completed and printed, but it was not distributed. We were stuck with thousands of copies of a very topical report that we did not have the budget to distribute, although it was printed. We had spent two years under my chairmanship and two years under the Speaker's chairmanship doing this work and we could not legally distribute the report.

My comment is that sometimes you cannot cost a study until you do have permission from the Senate. A committee can spend a significant amount of time drawing up terms of reference and in correspondence and then not obtain the mandate from the Senate.

My question is: Does the honourable senator agree that the Senate should address some of these issues on an ongoing basis and supplement the rules or draw up guidelines so that we might avoid these circumstances in the future?

**The Hon. the Speaker:** I am sorry to interrupt, but I must advise the honourable senator that his time has expired.

**Senator Kenny:** Honourable senators, I would request leave to continue.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

**Senator Kenny:** I would thank honourable senators for their indulgence. I will try to be brief.

I have been in this institution for 18 years, and this matter has been debated for 18 years. I believe that this new two-step process provides for a significant amount of accountability.

Honourable senators will recall that, in the past, after an order of reference was made by the Senate, the procedure was to go to Internal Economy, but the chair was not required to return to the Senate. Instead, a report was delivered from the Chair of the Internal Economy Committee, approving, sometimes, a laundry list of committee budgets. Various budgets were dealt with as a group.

We have changed the system and individual committee chairs have to return to the Senate a second time to defend the budget of the committee. I have done so, as have all the other committee chairs. That provides good accountability to the Senate. The first time honourable senators review the subject matter of the reference. Our committee does not proceed with the order of reference. We must return and defend that order in front of this chamber. Two switches must be turned on. We have considerable accountability.

Having said that, if honourable senators wish to reverse the present system, we can return to the old method. However, I believe that our present practice works.

**Hon. Terry Stratton:** Honourable senators, I should like to refresh the memory of the honourable senator, if I might, by

returning to his first report tabled on Tuesday, October 29, 2002, wherein he describes the amount spent, in the first instance, of \$443,743 and, in addition, a further \$27,002. Does the honourable senator know if those figures are correct?

**Senator Kenny:** If those figures are in the report, I am sure they are correct. I do not have the report in front of me.

**Senator Stratton:** Honourable senators, my concern is that other committees have work that they want to carry out. When one sees numbers approaching \$500,000 for one committee, one must know that that puts other committees at a substantial disadvantage when they wish to conduct a study.

Internal Economy must approach what we do in the future with balance as to budgets. That is critical. Other committees have work to do that they believe is important; would the honourable senator not agree?

**Senator Kenny:** Internal Economy will proceed in whatever fashion it deems appropriate. I am happy to defend the work that our committee has done. We have produced two reports. We have a very good sitting record. The committee has sat for the second longest number of hours. We have heard from the second highest number of witnesses. The committee worked during the summer. There has been a significant amount of positive response in the media. I would argue that this institution has received value for the money spent. We are dealing with an important issue.

Our first report covered both national security matters and defence matters. The national security matters demonstrated that there were serious flaws in both our ports and airports that have yet to be corrected. On the defence side, we have pointed to a significant shortfall.

The second report covered in some detail the necessity of protecting our coasts and the value of working together with the Americans in defending North America. The Canadian taxpayer obtained value from those reports. The reports also reflected well on the institution.

I am not to judge whether we received a disproportionate amount of funds. The Internal Economy Committee, of which I believe the Honourable Senator Stratton is a member, will make that judgment when we come forward with our budget proposal. If the members of that committee feel that we should not be funded or should not be working at the pace at which we have been working, we will be guided accordingly.

**Senator Stratton:** Honourable senators, I am not attacking the reports of the committee. They were well done and received the appropriate media attention. My concern was related to fairness and balance.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, October 31, 2002, at 1:30 p.m.



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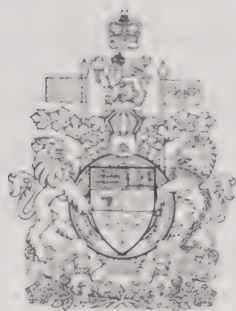


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OFFICIAL REPORT  
(HANSARD)

Thursday, October 31, 2002



THE HONOURABLE DAN HAYS  
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, October 31, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### HOUSE OF COMMONS

SERGEANT-AT-ARMS  
MAURICE GASTON CLOUTIER—TRIBUTE

**Hon. Marcel Prud'homme:** Honourable senators, yesterday, in the House of Commons, the Prime Minister of Canada, the Leader of the Official Opposition, Mr. Gilles Duceppe, member for Laurier-Sainte-Marie, Mr. Bill Blaikie of Winnipeg-Transcona, speaking for the NDP, and the Right Honourable Joe Clark, member for Calgary Centre, all paid tribute to Major General Maurice Gaston Cloutier, better known as "Gus" Cloutier. It is worth nothing, despite our differences — I mean between the other place and ourselves — that there are some fifteen of us here who are former MPs, who have known him well, and who have been well served by him. It is very rare for a person to be able to say he has been a public servant for 50 years, first in the military and then as an officer of the House of Commons.

Thanks to him, I was able to be a better Chair of the Members' Services Committee. I was never absent on a Wednesday afternoon, since all political parties used to take part in it in a spirit of harmony, in order to make parliamentarians' lives easier. I am told that this is changing more and more.

It will not be long before we will be celebrating the longest serving Sergeant-at-Arms since Confederation, Henry Robert Smith, who served 26 years. Maurice Gaston Cloutier is now up to 24 years and some months.

The MPs he served want to join in the tributes paid to him yesterday. I wish to tell him, in a very friendly way: "OK, Gus, but remember, this is our turf." He needs to know that here, it is up to Senator Bacon, as our worthy new Chair of the Committee on Internal Economy, Budgets and Administration, and to all of us here, to decide what is to be done in the Senate.

[English]

#### THE SENATE

##### ALLOTMENT OF TIME FOR TRIBUTES

**Hon. Herbert O. Sparrow:** Honourable senators, a few sittings ago, in statements pertaining to tributes to senators in the chamber, Senator Lapointe made reference to the fact that I might promote the idea of having stamps produced by the post office for eminent senators. I am not sure, but I think that he made that suggestion tongue in cheek. If he was serious, I want honourable senators to be aware that it does not change my

opinion on the motion that Senator Lapointe has put forward, to limit the time for tributes to senators. I will be speaking on this issue next week.

Senator Lapointe's motion states that:

The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a senator may speak only once.

That is fine, but I should like to know how His Honour will be aware of who wishes to speak. A senator has the right to rise in his or her place at any time. If more than one senator rises, then His Honour must decide which senator he sees first. That takes away from the idea that it is necessary for a senator to make a proposal ahead of the time that he wishes to speak, as has happened today, as I am not on any list of speakers.

The next paragraph of the motion reads:

Where a Senator seeks leave to speak after the 15 minutes allocated for Tributes has expired, the Speaker shall not put the question.

This means that if a senator asks for leave to extend time, His Honour shall not put the question, which is entirely at odds with the *Rules of the Senate*. Leave is granted unconditionally in our rules, in the following manner:

3. Notwithstanding anything in these rules, any rule or part thereof may be suspended without notice by leave of the Senate, the rule or part thereof proposed to be suspended, and the reason for the proposed suspension, being distinctly stated.

• (1340)

If we went that route, honourable senators, it would be a serious change and set a definite precedent in the *Rules of the Senate*. I want Senator Lapointe and all honourable senators to know that this is the stand I am taking on the suggestions contained in his motion.

I draw to the attention of honourable senators that Senator Lapointe, while speaking about tributes, is reported to have said in committee, "I believe that an enormous waste of time is caused by these tributes." Further on, he is reported as saying that, "They have lasted nearly an hour and a half." Further on, he said, "However, they are a waste of time and certain aspects of certain traditions must be changed. I was witness to endless tributes twice since my arrival to the Senate. Each time we arrived at the end and we quickly turned the pages of the Order Paper to appeal to the points of the Orders of the Day and all were deferred one after another. Not a senator made a speech he had a right to make because it was already 5:15. People had enough and wanted to return home."

The honourable senator indicated that the tributes went on until 5:15. That is not the case. They did not go on for that period of time at all. In the period of time that the senator has been here, the tributes that took place lasted an average of only four minutes and two seconds per speaker who took the time to present a tribute.

**The Hon. the Speaker:** I am sorry to inform the honourable senator that his three minutes have expired.

**Senator Sparrow:** I shall continue my dissertation next week.

## CANADIAN BROADCASTING CORPORATION

### RETRIAL OF LOUIS RIEL

**Hon. Laurier L. LaPierre:** Honourable senators, Louis Riel was retried recently on the Newsworld channel of the Canadian Broadcasting Corporation. I am not opposed to the recreation or dramatization of historical events. In fact, I am in favour of this practice, having done so myself. I applaud those whose talent and respect for the historicity of the events make them come alive. However, it can be a dangerous exercise — even when handled by persons of good faith. This is particularly so since, in our country, history may easily be transformed into a political act or used as a club to subjugate, insult or get even. Rather, we want our history to illuminate our present.

What is of great importance and national significance in this retrial of Louis Riel is that it has caused great pain, I am told, to those most involved in his life and trial: the Metis people.

Let there be no doubt in anyone's mind that Louis Riel is not an ordinary person and his trial is not an ordinary event. He is a Father of Confederation and the founder of Manitoba. He is a proud man, a convinced patriot and a person of profound faith. Above all, he incarnates in his person the just aspirations of an entire community of First Peoples whose marginality has been permitted to exist in our country for too long.

Louis Riel's participation in our national life is therefore a sacred national trust. It should be treated as such. Moreover, Louis Riel belongs to a people, the Metis people, who have endured a long history of mischief and persecution, insecurity and despair, but who have never lost hope that their rights will be fully recognized. The history of that struggle is also a sacred national trust. It should be treated as such.

I suppose the CBC will wake up one day and retry Jesus Christ.

[Translation]

## THE SENATE

### ALLOTMENT OF TIME FOR TRIBUTES

**Hon. Jean Lapointe:** Honourable senators, I would like to respond to Senator Sparrow.

[English]

**The Hon. the Speaker:** I am sorry to interrupt, but I should draw to the attention of honourable senators our rules, which indicate that the time for Senators' Statements is not a time for debate.

[ Senator Sparrow ]

**Senator Lapointe:** For the information of senators, I was serious when I mentioned that I would suggest stamps for eminent senators. That is my statement. I will wait until the honourable senator speaks next week to challenge my friend.

[Translation]

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2002-03

#### SUPPLEMENTARY ESTIMATES (A) TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate of Canada*, I have the honour to table, in both official languages, the 2002-03 Supplementary Estimates (A) for the fiscal year ending March 31, 2003.

[English]

### CLERK OF THE SENATE

#### 2002 ANNUAL ACCOUNTS TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the clerk's "Statement of Receipts and Disbursements for the fiscal year ended March 31, 2002," pursuant to rule 133.

## LEGAL AND CONSTITUTIONAL AFFAIRS

### REPORT PURSUANT TO RULE 104 TABLED

**Hon. George J. Furey:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

## ABORIGINAL PEOPLES

### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Thelma J. Chalifoux:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)



[Translation]

### THE ESTIMATES, 2002-03

#### NOTICE OF MOTION TO REFER SUPPLEMENTARY ESTIMATES (A) TO NATIONAL FINANCE COMMITTEE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that on Tuesday next, November 5, 2002, I will move:

That the Standing Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2003, with the exception of Parliament Vote 10a.

#### NOTICE OF MOTION TO REFER PARLIAMENT VOTE 10A OF SUPPLEMENTARY ESTIMATES (A) TO STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that on Tuesday next, November 5, 2002, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2003; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

#### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO CONTINUE STUDY OF MAIN ESTIMATES

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that on Tuesday next, November 5, 2002, I will move:

That the Standing Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2003, with the exception of Parliament Vote 10a and Privy Council Vote 35; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-seventh Parliament be referred to the Committee.

[English]

### PERSONAL WATERCRAFT BILL

#### FIRST READING

**Hon. Mira Spivak** presented Bill S-10, concerning personal watercraft in navigable waters.

Bill read first time.

• (1350)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Spivak, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

### CLERK OF THE SENATE

#### NOTICE OF MOTION TO REFER 2002 ANNUAL ACCOUNTS TO INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE

**Hon. Lise Bacon:** Honourable senators, I give notice that Tuesday next, November 5, 2002, I will move:

That the Clerk's Accounts, tabled on Thursday, October 31, 2002, be referred to the Standing Committee on Internal Economy, Budgets and Administration.

[English]

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Tommy Banks:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Tommy Banks:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE

**Hon. Tommy Banks:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine such issues as may arise, from time to time, relating to energy, the environment and natural resources.

## ABORIGINAL PEOPLES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Thelma J. Chalifoux:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Thelma J. Chalifoux:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT SECOND REPORT WITH CLERK OF THE SENATE

**Hon. Colin Kenny:** Honourable senators, I give notice that, on Tuesday, November 5, 2002, I will move:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit its second report with the Clerk of the Senate on Tuesday, November 12, 2002 and that the report be deemed to have been tabled in the Chamber; and

That copies of the report be made available to all Senators in their offices and by e-mail at the time of tabling.

## DISTINGUISHED VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to the presence, in our gallery, of our former colleague the Honourable Ray Squires and his wife Grace.

On behalf of all honourable senators, I bid you welcome.

**Hon. Senators:** Hear, hear!

## QUESTION PERIOD

### NATIONAL DEFENCE

#### FSME-IMMUN VACCINE FOR TICK-BORNE ENCEPHALITIS—ASSESSMENT OF INOCULATED TROOPS TO DETERMINE PRESENCE OF CREUTZFELDT-JAKOB DISEASE

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government and arises out of an exchange that we had yesterday.

In answer to my question about possible exposure of some 5,000 Canadian troops to mad cow disease through contaminated vaccine, the minister stated:

...this vaccine is recommended by such agencies as the World Health Organization, the United States Centers for Disease Control and Prevention and, of course, Health Canada.

I have in my possession an e-mail from G4 Medical Plans at Canadian Forces Medical Group Headquarters here in Ottawa that states that the Canadian Forces declined the vaccine, in April 2002, for use in inoculating troops going to Georgia for the exercise "Cooperative Best Effort," based on a risk assessment.

Can the minister tell the chamber why she failed to mention that fact yesterday as she defended the use of the vaccine and tell us for what reason the risk assessment failed to recommend the vaccine?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I did not fail to give my honourable friend the answer or provide the information that he has now requested because I did not have the information. I shall seek to obtain that information and provide it to the honourable senator.

**Senator Forrestall:** Honourable senators, the leader was extraordinarily well prepared yesterday, well prepared enough to accuse me of underhanded methods with respect to questioning.

**Some Hon. Senators:** Shame!

**Senator Forrestall:** I want the leader to be aware that I rarely ask questions to which I do not have the answers either.

When was the Department of National Defence first alerted that the European tick-borne encephalitis vaccine could have been manufactured with contaminated blood?

**Senator Carstairs:** The honourable senator continues to raise questions about this particular vaccine. It is important, once again, to indicate the potential risk of this vaccine, which is one in 100 million. To make people concerned that they may have been exposed to a serious risk, quite frankly, is not dealing with the fullness of this particular issue.



Having said that, Health Canada and DND are exercising due diligence. They are informing people, but they are also informing them of the extent of the risk, which is again one in 100 million.

**Senator Forrestall:** With all due respect, honourable senators, I asked the Leader of the Government why she did not mention the action taken by our own Medical Group Headquarters. The honourable senator gave a reasonable answer, and I accept that. What I do not accept is her extending that answer to include the nonsense she gave us yesterday.

When were affected Canadian Forces personnel first notified that they could have received a vaccine that had been contaminated? In addition, could she tell us or find out for us just how they were notified?

**Senator Carstairs:** Honourable senators, let me re-emphasize that there have been no documented cases anywhere in the world, not just in Canada, but anywhere in the world, of anyone contracting mad cow disease from this vaccine. Let us be very clear about that fact. I am very concerned that the honourable senator would create fear among individuals, a fear that, in my view, is not legitimate and is inappropriate. I have indicated that the department is exercising due diligence, working with Veterans Affairs, Health Canada and DND, to notify Canadians who may have had the vaccine and also to inform them of the very remote risk associated with it.

• (1400)

**Senator Forrestall:** Honourable senators, I can only repeat that it would be really appreciated. The leader has complained about the number of questions I ask in this chamber. I have not complained yet about the number of non-answers that I get from the leadership across the aisle.

The question was straightforward, and I will simply repeat it in the hope that the leader can find an answer: Why is it that the Canadian military medical authorities declined to use the vaccine on a risk basis? After studying the vaccine, why did they decline to use the vaccine?

**Senator Carstairs:** The honourable senator first said that I did not provide that information, when he clearly said to the chamber that in his view I had it, and I replied by saying that I did not have it but that I would seek it, and I will seek that information and provide it to the honourable senator.

Furthermore, I have never complained about the number of questions the Honourable Senator Forrestall has asked in this chamber.

**Senator Forrestall:** I thought you were complaining.

**Senator Carstairs:** The honourable senator may ask as many questions as he wants. I will, however, argue strenuously that if the honourable senator does not like the answer he receives, he consider the question to be unanswered.

**Senator Forrestall:** Honourable senators, the honourable leader has not answered 10 per cent of the questions I have asked in the last few years, and she knows it.

## FISHERIES AND OCEANS

### ANNOUNCEMENT OF PROJECTS UNDER AQUACULTURE COLLABORATIVE R&D PROGRAM

**Hon. Gerald J. Comeau:** Honourable senators, on October 24, the Minister of Fisheries and Oceans announced a number of projects under the Aquaculture Collaborative R&D Program, which was announced in August 2000. This current announcement of over \$1.8 million worth of projects is broken down by region. On the very same day, the Minister of Labour, on behalf of the Minister of Fisheries and Oceans, announced the same projects in the New Brunswick share of the program. The parliamentary secretary of the Minister of Fisheries did the same for the Gaspé region. The Member of Parliament for Guelph-Wellington announced a project on behalf of the minister in her area. The Minister of National Resources announced the Pacific region projects on behalf of the Minister of Fisheries and Oceans. As if this were not enough, the Minister of Fisheries and Oceans announced approval of projects in Nova Scotia on the same day. Thank God he did not announce it in his own name, on behalf of himself.

Honourable senators, in total, it took 10 pieces of paper printed on both sides, in fact 20 pieces of paper, if you count it, in two official languages, for the Minister of Fisheries and Oceans to announce and re-announce the same projects. I wish to ask the minister if this is an example of the government leading by example in promoting sustainable development and conservation of our resources?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I believe it is an example of the Minister of Fisheries and Oceans making sure that those affected by this activity were fully informed of same.

**Senator Comeau:** Honourable senators, I have a supplementary question.

I believe they are finally fully informed, up to their gills. Every little bit helps when one is truly committed to the wise use of our natural resources and energy. Consider the trees that need to be cut down when all this kind of paperwork becomes the norm.

I ask the Leader of the Government in the Senate if she will join with all senators to commit her government to the conservation of energy and resources?

**Senator Carstairs:** Honourable senators, the conservation of all energy and resources is important to all of us. It is for that reason that I will certainly support the concept that we should all conserve wherever we can, and that is why I will fully support the Kyoto Protocol and assume that the honourable senator will do the same.

## NATIONAL SECURITY

### HEZBOLLAH—PLACEMENT ON TERRORIST LIST

**Hon. David Tkachuk:** Honourable senators, my question for the Leader of the Government in the Senate centres on what we learned yesterday, that Ayub Fawzi, a Canadian with strong links to Hezbollah, was, according to the Israelis, a key planner in Hezbollah terrorist attacks on Israel.

Along with that information, the *National Post* has reported that CSIS has been providing the government — I would assume the cabinet, the Prime Minister, the Solicitor General — with information that Hezbollah uses Canada as a base for terrorist activities, and that information has been gathered since 1996. When will this government place all of the Hezbollah organizations on the list of known terrorists under the Criminal Code?

**Hon. Sharon Carstairs (Leader of the Government):** The Government of Canada has, as the honourable senator well knows, placed the Hezbollah External Security Organization, also known as ESO, on its list, following the listing also by the United Nations, on November 7, 2001. It has, as the honourable senator also knows, a further listing process. If we get a recommendation to further list this External Security Organization, I am sure that we will do so.

**Senator Tkachuk:** Honourable senators, last week I asked about this organization. The honourable leader informed me that the External Security Organization is the one that has been placed on the terrorist list. However, from what I can gather, CSIS has been reporting to the government that it is one organization. Most experts on terrorism in the world, including our own security force, CSIS, say that it is one organization, that it is not three organizations or two organizations. It is one.

What is the source of the government's information that there are separate arms of this organization, that it is not one organization, when everyone one talks to, including Hezbollah in Lebanon, says that it is one organization?

**Senator Carstairs:** Honourable senators, the Canadian government chose to follow the exact process that was followed by the government in the United Kingdom, in which the ESO was listed as a terrorist organization. For example, we chose not to list the political party, which exists in Lebanon and has 11 members in a freely elected democratic government, as part of that terrorist listing.

**Senator Tkachuk:** Honourable senators, the minister used this argument before because the leader of that organization was sitting with two other spiritual leaders, a weed between two flowers. Somehow this made him a better person.

The organization itself has only two goals. One of those goals is the elimination of Israel. That organization wants to wipe Israel off the map. They want an Islamic revolution in Lebanon. Pity the Christians who will be there when they take over. This is an organization of killers, murderers, bombers and thieves, an organization that uses this country as a base to funnel money to Lebanon so that they can equip their people with bombs and send them to Israel to kill women and children. It is not much more complicated than that, and that is what CSIS is saying. That is what all the organizations involved in this terrorist activity in the world are saying, except this government.

I ask the Leader of the Government in the Senate again to table information in this place as to the rationale used in leaving this organization off the terrorist list?

**Senator Carstairs:** I will restate what I said a few minutes ago. The honourable senator said "except this country," and it is not "except this country." I indicated very clearly that the other country that has accepted only the ESO as the terrorist

organization of Hezbollah is the United Kingdom. That government has chosen to take the aspect of the ESO, which has clearly been listed by the United Nations as a terrorist organization, and as such we have also listed them as a terrorist organization.

However, I will repeat: There is a political party in Lebanon — a democratic country. The members of that party are duly elected as members of that democratically elected government, and I do not think it is appropriate that we list them with the External Security Organization, which no one doubts is a terrorist organization.

## THE SENATE

### FOREIGN AFFAIRS COMMITTEE— BRIEFING ON MIDDLE EAST SITUATION

**Hon. Marcel Prud'homme:** Honourable senators, I wish to congratulate the honourable leader for remaining cool under such a barrage of misinformed accusations. I would suggest kindly to some honourable senators that the time may have come to get a full briefing of the true situation in the Middle East.

• (1410)

The Standing Senate Committee on Foreign Affairs is about to start its activities. That committee has not revisited Canada's relations with the Middle East since its 1985 report. The Middle East has been the most explosive part of the world since 1982. Since the publication of that report, everything has been done not to revisit that subject. That report was published by very prominent senators, including Senators van Roggen, Macquarrie and Hicks, people whose devotion to the state of Israel was never in doubt, including Senator Lapointe.

Honourable senators we have never revisited that subject matter, to study the exact difference between terrorism and politics. I, for one, who visited Lebanon at my expense, and the other members who went with the Prime Minister, should rejoice to see that all the factions of Lebanon, for the first time, are trying to live together to build a better country in peace and harmony.

It is not easy. If we continue to be badly informed by any source, including our own security sources, it will not be the first time, and I would hope that the minister will stick to her answer. It was the right answer.

My question is very simple: Would the honourable leader do whatever she can to have the Standing Senate Committee on Foreign Affairs give us a full briefing on Middle East affairs. I would be more than happy to participate, and invite the honourable senator to attend.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is well within the mandate of the Standing Senate Committee on Foreign Affairs to undertake such a series of hearings and to invite Foreign Affairs to give it a full briefing. Should that committee choose to honour the request of the honourable senator, I would be delighted that such a briefing took place.



## FISHERIES AND OCEANS

## COAST GUARD—DECOMMISSIONING OF FOGHORNS

**Hon. Pat Carney:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. I am appealing to her Nova Scotia roots.

The Canadian Coast Guard has announced that it is decommissioning most of the foghorns on the B.C. coast, on the West Coast of Vancouver Island and on the middle coast. This was put out in Notices to Shipping, in August, a venue that is not much monitored by fish boats, kayakers, recreational boaters and fishermen.

Since the coastal communities have become aware that these foghorns are slated to be silenced, the protests are rolling in to our office. For instance, the harbour master of Tofino says that these foghorns are needed because of the shoaling waters and the number of American and Canadian recreational boaters who can get lost in this area.

The regional district of Port Alberni-Clayoquot says that decommissioning the foghorns in the Tofino-Ucluelet area, which is heavily used in Barclay Sound, is totally unacceptable.

I am appealing to the minister to convey to her cabinet colleague, the Minister of Fisheries and Oceans, to reconsider this decision that will place people in coastal communities at very high risk.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for her question. My understanding, and I certainly can be corrected by the honourable senator, is that consultations are taking place with stakeholders about the plans to do such things as to de-staff light stations, use more modern technology, study infrastructure and their operations and deal with life cycle material management, but that is all within the guise of a study. No decision has been made at this particular point in time.

**Senator Carney:** Honourable senators, I would never dare correct the Leader of the Government, but she does represent this chamber at the cabinet table. I am asking her to convey the concerns that have been raised in this chamber on this issue.

The B.C. coastal pilots are the people who are in charge of the marine pilots that guide the cruise ships, the freighters, the oil tankers and so forth, and they have advised me that there has been an erosion of Coast Guard services on the coast, that services have been cut to the bone, and their pilots are now at risk if there are any further cuts.

The situation is so bad that the kayakers of Quadra Island, which is at the entrance to Johnstone Strait, a heavily used transit point, have told us about watching a father and his son sinking in the ocean, calling the Coast Guard emergency marine service telephone number and being told that the number was no longer in service. Given that that is the current scenario with respect to services on the coast, and given that the Estimates indicate that the rescue portion of the Coast Guard and DFO will be cut from

around \$126 million to \$114 million in this fiscal year and the next fiscal year, I am asking the minister to convey to her colleagues the deep concern of people who are represented in this chamber by British Columbia senators and by East Coast senators about the threat to their safety.

We need the Coast Guard. It is our security net. There are areas of the coast where they are cutting foghorns, where there is no radar or technological alternative. I am asking the honourable leader to convey to her cabinet colleagues that this is a deep concern to both east and west coastal communities.

**Senator Carstairs:** Honourable senators, I shall certainly bring the honourable senator's concerns to the cabinet table. However, I do want to reiterate that, to the best of my knowledge, no decisions have been made on this. A study is ongoing. That study is across the breadth of what is going on in the Canadian Coast Guard.

As the honourable senator well knows, some 18,000 aids to navigation are presently there to help mariners navigate safely and efficiently. There are 264 light stations that exist. The honourable senator is correct that, in the 1980s and the 1990s, we de-staffed a number of those.

All these things need to be re-evaluated. They need to be studied. That is the study that is being undertaken. As part of that study, it is important for the committee to hear from the honourable senator and the representations she made to me today.

**Senator Carney:** As a supplementary on that, these so-called consultations must be taking place with ghosts, because no one I know is aware of the consultations. The people and the communities who are contacting my office have never heard of these designated cuts. They were totally unaware that this was taking place until my colleagues and I raised it. Therefore, if the Coast Guard is telling the minister that consultations are taking place, they must be with the wreck of the ancient mariner because they are certainly not available on the coast.

Concerning the navigational aids that the honourable leader referred to, some of them are rusting out, some are deteriorating, and they are not being replaced. This is what the people who use the channels and the inlets tell us. Given that boats are being taken out of service there, there is one boat with the capacity to lift the buoys up and repair and replace them. When the B.C. marine pilots tell us that their pilots are at risk, that services are being cut to the bone, I suggest that the Coast Guard is not being straightforward with the information provided by the minister.

**Senator Carstairs:** Honourable senators, all I can tell the honourable senator again is that I will bring forward her representations. However, honourable senators, I am informed that the current study is reviewing the Canadian Coast Guard mandate. It is reviewing programs and services within the context of the mandate. It is assessing their strengths and their challenges. They are analyzing internal and external drivers and trends. They are in the process of the development of a revised vision for the Coast Guard and identification of options to respond to the challenges that are identified.

• (1420)

## AGRICULTURE AND AGRI-FOOD

### WHEAT BOARD—MARKETING OF GRAIN

**Hon. Leonard J. Gustafson:** Honourable senators, I rise to ask a question about the marketing of grain because I feel it is someone's responsibility to do so. Today in Lethbridge, a number of farmers are going to jail because they marketed their own product. They marketed a product in Western Canada against the rules of the Canadian Wheat Board. If they lived in Ontario, they could market that grain without any problem.

This is an issue of rights. We have rights in Canada under the Canadian Charter of Rights and Freedoms. One wonders if we have crossed the line a bit in this case.

I market through the Canadian Wheat Board, and I have some respect for it, I must say, but I think the time has come when we must ask if there is not a better way of dealing with this situation.

**Senator Wiebe:** Obey the law.

**Senator Gustafson:** I know that that is the answer we hear: "Obey the law." However, is the law just if it deprives farmers of their right to market their own product?

**Hon. Sharon Carstairs (Leader of the Government):** First, let us be very clear. These individuals made the choice to go to jail. They violated the law. They could have paid a fine. They chose not to pay the fine. They chose to go to jail. They have their own reasons for doing that. The honourable senator clearly believes that the process does not reflect their needs or their desires.

Let me quote from a letter written by Ken Ritter, Chair of the Canadian Wheat Board. He said in an open letter to all Western Canadian farmers:

...these people need not break the law to have their voices heard. A democratic process now exists to elect CWB directors, who set the direction for grain marketing. Since sweeping changes were made in 1998, 10 of the 15 CWB directors have been elected by farmers. It is they who control the CWB, not the federal government."

**Senator Gustafson:** I am well aware of that argument. I am asking if it is not time that we come up with a better solution to this problem. We all know how many times the Americans have challenged this monopoly situation.

If a senator were to raise the matter of allowing a monopoly in any other sector of the economy, this chamber would be in an uproar. Maybe it is time for some freedom of choice. That is the point I am making. Does the honourable leader not think it is time that Western Canadian farmers should have certain rights in this area?

Alberta is unique. I am a Saskatchewan farmer, and we look at the Wheat Board quite differently. In Alberta, a large percentage of the farmers would agree with that position. In fact, the premier of that province is appearing in Lethbridge today. Does the minister not think it is time that we give some very serious consideration to this problem?

**Senator Carstairs:** Honourable senators, let us begin with the statement regarding the challenges that have been made by the United States. Yes, they have lost every single one of them with respect to the Wheat Board. There have been nine challenges and nine defeats. The record of the Canadian Wheat Board is very favourable in this regard.

The Canadian Wheat Board is now controlled by democratically elected farmers. It is the farmers who have decided that this is what they want. Yes, some farmers in the country disagree. That is true of almost any organization or any political process in this nation. There will always be those who disagree.

The reality is that the vast majority of Western Canadian farmers have made it very clear they like the Canadian Wheat Board and they want the Canadian Wheat Board. They feel that it is to their best advantage to have the Canadian Wheat Board.

**The Hon. the Speaker:** Honourable senators, I regret to advise that the 30 minutes for Question Period has expired.

## ORDERS OF THE DAY

### CRIMINAL CODE FIREARMS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

**Hon. David Tkachuk:** Honourable senators, I rise today to speak to Bill C-10. I did not intend to speak to this bill, but I have been following the debate quite closely. After listening to some honourable senators, I thought I would make a few comments.

I listened with interest to Senator Jaffer's speech and to the thoughtful interventions made by Senator Stratton, Senator Joyal, Senator Cools and Senator Watt. They raised some serious issues, and I should like to discuss them from the perspective of my region.

A big legal shift will take place if this bill is passed, as Senator Joyal has articulated so well. Cruelty to animals as an offence will no longer be treated as a property crime. There is something tantalizingly simple about property to me. Since a person owns it, that person has much greater self-interest in protecting it. This bill actually removes all animals, it seems, domestic and wild, from the protection of the owner and moves them to the protection of the state. That troubles me. We are removing them completely from our care and our responsibility for their safety to the care of the criminal justice system. Yet, animals on their own have no say in the system, lacking the ability to reason and a consciousness of the system we are imposing on them.



Hunters, for example, have ownership over their resources because they have a self-interest in keeping those resources for the long term. They want to be able to hunt birds. They want to be able to hunt wild animals, not only for the sport of it but, in many cases in this big country, for a living. Organizations such as Ducks Unlimited and others care for and harbour stock for future generations. We participate in this — we, all of us, within our communities — as volunteers and caring citizens.

I want to turn for a moment to an issue that Senator Cools raised, as did Senator Jaffer. I remember when Bill C-68 was before the Senate. I thought Senator Cools gave an excellent presentation last week about the propaganda that we were forced to endure. Many senators did not buy into it. Many of us voted against the bill and tried to amend it. If honourable senators revisit those speeches and all of the things that were wrong with that bill, they will know that, in that debate, we said what would happen. It was not only us. We were simply representing the citizens of this country who had made proposals to us, sent us briefs, who begged and pleaded with us not to do this.

The following statement actually comes from the Canadian Federation of Humane Societies and relates to this crimes against animals bill, Bill C-10. It can be found on their Web site.

It has been well documented that there is a clear link between violence to animals and violence towards humans. And it is highly appropriate to protect animals because they can suffer, regardless of whether someone owns them. However, the common law defences in Section 429(2) are not lost.

• (1430)

Section 8(3) of the Criminal Code states:

(3) Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act...

I urge honourable senators to read the rest of the paragraph.

This is a reasonable organization that has, as part of its agenda, the protection of animals and the rejection of cruelty to animals, which we all support here. This organization is saying that a person who is mean to an animal will be mean to a human being. It is saying that there is some correlation in that person's behaviour. It is not that the meanness to the animal causes violence to a human being, it is that that type of person is a mean person and a poor, unsuspecting animal is easier to mistreat than a human being. This behaviour has nothing to do with anything. To say that it does, is intellectually wrong. There is no evidence, no proof, that violence to animals leads to further violence against humans. There is nothing that would cause us to accept this kind of propaganda that the government itself is trying to purport as true.

In actual fact, they use examples like the young man who skinned his cat alive. That is a terrible thing to do. Why would you charge adolescents or teenagers and send them to jail for that action? If some young person skins a cat, you would want that

person to receive treatment so that he or she does not kill a human being. The act of skinning a cat provides the first evidence that there is something wrong and that perhaps society should have a look. You do not throw that person in jail. It should not lead to a criminal record. You do not do that to people. You use that as a reason to get these people into treatment. The terror of the cat should be a signal to society of the propensity of that person to commit evil acts, not that that particular evil act causes further violence.

It is the same canard and logic used by the federal government in its implementation of gun registration. Both are responses to special interest groups using the common law to fight a social problem that will only increase bureaucratic power, and all the provinces will have to administer these laws.

We should know what happened with the gun bill, but we have no idea, because we have not been provided the information. No one talks about it, which scares the heck out of me. Perhaps they do not want the same situation to happen with respect to this bill.

How much will the administration of these laws cost provincial governments? They are both responses to special interest groups using the common law to fight a social problem that will only increase bureaucratic power and cost millions of dollars. We place the highest value on the common law. We should be very careful what we do with this.

Senator Joyal speaks so articulately because he is a lawyer and, as is the case with many lawyers here, because of his love of the law. If there is one good thing the British left with us at the end of colonialism and all of the imperialistic acts it is this parliamentary system and our common law. We should not take that common law for granted and abuse it by trying to fix all our social problems with it, particularly when our problems should not be solved in that manner. It should be reserved for matters that deserve our respect so that we demonstrate that we respect the law. Passage of this bill will not cause respect for the law. It is an abuse.

Turning to the subject of domestic animals, in the West we grow animals for food. If it were not for beef and leather, there would be no cows. They would not exist.

**Senator Carstairs:** I think it is the other way around.

**Senator Tkachuk:** Were it not for our need for pork, hide and human body parts, there would be no pigs. We would have no use for them. We would not have domestic animals. We keep them as property and we look after them. We are farmers. We are worried about this bill because, as has been said by other senators in this place, the proposed provisions are not clear. The problem with this law is that farmers, ranchers and dairy farmers do not understand it. Aboriginal people do not understand it. Hunters and fishermen do not understand it. Who could understand this bill if these people do not understand it? They are the people who will be required to live by it. Many organizations have told us that they do not understand it. Perhaps, honourable senators, we should be worried about it if they are, because they are the people who will be harassed.

I will now turn to the subject of activists and why certain organizations are worried. There are many animal rights organizations, and I could not believe how many nutty ones there are compared to good ones; and they all have charitable donation numbers. I researched some of these organizations on their Web sites. I restricted myself to Canadian sites. Honourable senators, there are thousands of them. I would suggest you go to "Animal Rights Canada," and then under "Campaigns" you will see "Dairy." It appears that dairy is a bizarre human fixation. How it became popular to consume mammary secretions is a serious question to ponder, although I do not think many of us have ever done that. On that Web page there is reference to [www.MilkSucks.com](http://www.MilkSucks.com) which leads to a number of Web sites such as "got fat?"; "Scary Dairy Tales"; "got sick kids?"; "got breast cancer?"; and "got...pus?" Everything is blamed on milk and dairy products. Dairy products are a health hazard.

How about the Animal Advocate Society of B.C., which states on its site "report dog neglect and abuse. A good goal." We love living in Canada, because there is so much diversity and so many good ideas that we can discuss. These people do care about dogs. Sometimes, people get carried away in fighting for a cause. Here is what senators must look for: "Is the shelter big enough for the dog to stand up in comfortably and turn around?" When I was a kid, my dog never had a shelter. She was never in the house. She lived outside all the time. Now, I would be in big trouble. Many farms do not have nice pens for the animals to live in. They are outside all day. They do not get fed three times a day. We do not treat them like children.

**Senator LeBreton:** Did you not have a barn?

**Senator Tkachuk:** No, we did not have a barn. We lived in a small town, so our dogs just ran around with all the other dogs. They even ran after cats. People who do not live in the city know about these things.

The Web site then asks, "Is the shelter dry inside?" You are spying on your neighbour here. It goes on to ask, "Is it positioned to provide protection from wind and heat?" Excuse me! It further asks whether you have witnessed it "being beaten or yelled at?" I can see "being beaten," being bad, but I do not see "being yelled at" as a particular problem that we should be concerned about. Another question is this: "Do you visit it?" Not only are you spying on your neighbour to see how that dog or cat is doing, but you must also visit it. You must talk to it and feed it treats. Another question is whether you have asked the dog owner if you can take his or her dog for a walk so that you can steal it, take it to the dog pound, and tell the people there about the terrible owner? This organization has a Web site.

• (1440)

There is also the Coalition to Abolish the Fur Trade. Why? They exist because they believe that fur trapping by itself is cruel and, therefore, they want to abolish it.

I cannot believe that there are so many of these organizations. Of course, there is also an organization that wants to abolish the Canada seal hunt. As well, there is the American Anti-Vivisection Society which wants to protect mice and rats from abuse in laboratories. Honourable senators, what about the Farm Animal Reform Movement which wants to get rid of all farms except farms that grow vegetables, wheat and barley? They would not allow farms that grow meat. These people will now have a cause.

[ Senator Tkachuk ]

**The Hon. the Speaker:** I regret to advise the Honourable Senator Tkachuk that his time has expired.

**Senator Tkachuk:** Honourable senators, I ask for leave to continue for a couple more minutes.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Tkachuk:** Who will police these provisions? These organizations will use the criminal justice system to report, spy and further their political aims. They do, however, have a right to persuade. If they do not want people to eat meat, that is fine. They can go on TV, advertise and do whatever they want. I could not care less.

This bill has not had a significant amount of publicity in the newspapers. Is that because they are scared of the animal rights movement? Honourable senators, if you do not think the media are not intimidated by these people as they were by the gun bill, then you are wrong. Many of these groups are also violent. Honourable senators can search out the Web sites to which I have referred. Alternatively, if you come to my office on Tuesday, I will show you the Web sites that have information on the fact that they advocate violence to achieve their aims.

As legislators, our job is to introduce and pass clearly defined bills on behalf of Canadian citizens. We uphold the values of a civil society. I am neither a farmer nor a hunter. I first used a .22 when I was about 12 years old. I shot a squirrel. When I saw what happened, I did not want to use a gun again. However, my dad hunted and all my relatives hunt. Good for them, and they have a right to do it.

I am a member of the Standing Senate Committee on Agriculture and Forestry. To agricultural people, the matters I have spoken about today are of genuine concern. This bill shows a lack of understanding about the rural nature of this country.

Honourable senators, I will end by saying that, usually, we vote for a bill in principle. Who is against cruelty to animals? The principle of the bill is fine with me. However, the drafters of the bill included these gun registration elements. While I am not opposed to gun control, I am opposed to gun registration.

Honourable senators, I will vote against this bill on second reading. Unless amendments are made to it, I will vote against it at third reading as well. It is too bad I am not on the committee. If I were, I would be able to vote against it in committee. I hope the members of the committee will spend the time and effort to realize that these Canadian people, who are very concerned about the issues in this bill, not only have a right to be heard, they have a right to be listened to. They have warned us before about matters like this. They are the ones who have to live within this law. Let us give them an opportunity to hear the arguments.

Even though I will vote against the bill, it will be passed anyway.



Honourable senators, thank you for your time today. I ask you not to support this bill.

**Hon. Marcel Prud'homme:** Honourable senators, I wish to ask my colleague a question. The beauty of the Senate is that we can agree with our fellow senators on some issues, while disagreeing with them on others. Today, I agree with the honourable senator's point of view on this bill.

He seems to have done a significant amount of study on the issues surrounding this bill. He spoke about human rights organizations which have charitable donation numbers. Is the honourable senator aware of how many children's rights groups there are versus animal rights groups? We know of the millions of children who die in Africa.

Next week, I propose to make a comparison between those groups who defend the rights of animals, non-violently, and those groups who are ready to kill to defend animals. Does the honourable senator have any statistics in that regard, that would be helpful to us? If not, I am sure others will be prompted by what the honourable senator has said today, to find out.

**Senator Tkachuk:** Honourable senators, I do not have any statistics in that regard. However, I am sure that such information is available.

**Hon. Willie Adams:** Honourable senators, when I was young, I used to watch the movies, and sometimes I still do. If a cowboy's horse breaks its leg, will he still be able to shoot it to put it out of its misery, or is there a different procedure to follow now?

**Senator Tkachuk:** Under this bill, I would not know what to do, and neither would Senator Adams. A person could be charged for doing that. It is not clear. I am sure the honourable senator has received phone calls about the pertinent clause of the bill, which I believe is clause 182. I do not know what I would do. I think I would have someone else shoot it.

**Senator Adams:** When our dogs were no longer useful because they were getting old and could no longer pull our sleds, we would shoot them.

The honourable senator also spoke about the young man who skinned a cat alive. That is only the second story I have heard about someone doing that.

I remember hearing about a woman who, after having washed her cat, put it into the microwave to dry its hair. The next thing she knew the cat exploded inside the microwave. Would such behaviour be dealt with under the cruelty to animals clauses of this bill?

**Senator Tkachuk:** Honourable senators, I wish to adjourn the debate in the name of Senator Sparrow.

**Senator Prud'homme:** Honourable senators, I wish to adjourn the debate in the name of Senator Comeau.

**The Hon. the Speaker:** It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Gustafson, that further debate be adjourned until the next sitting of the Senate; and that the matter stand in the name of Senator Sparrow.

**Hon. Jack Wiebe:** Honourable senators, I wished to take part in the debate today. If the Honourable Senator Tkachuk were to allow me to speak to the bill for a few minutes, perhaps he could then move the adjournment motion on behalf of the Honourable Senator Sparrow.

• (1450)

**The Hon. the Speaker:** Honourable senators, because we are in the middle of a motion, unanimous consent is required to return to it. Is leave granted, honourable senators?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** The motion is to adjourn debate on Bill C-10. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion, please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion, please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "nays" have it.

**Senator Wiebe:** Honourable senators, I wish to speak briefly to this proposed legislation. I had not intended to speak today but, because of some of the comments that have been made, I think it is necessary to do so. Comments made such that those of us who are involved in the livestock industry — besides being a grain farmer, I had an intensive hog operation for 18 years — are left with the feeling that we do not understand this legislation; that we do not really know what is happening; and that it is difficult for us to read the intricacies of Bill C-10. That is wrong. Just because we are farmers and livestock people, does not mean that we do not understand legislation.

I assure honourable senators that every livestock operator and organization in Canada knows and understands every clause of this bill.

**Some Hon. Senators:** Hear, hear!

**Senator Wiebe:** Let me say, as well, that, as far as this particular bill stands, it is good. I speak as a farmer, and I speak as a livestock owner. I do not think there is a livestock producer or owner in the country who does not care about his animals, and each one of them shares the desire of everyone that penalties be increased for those who are deliberately cruel to any form of livestock.

Honourable senators, the health and well-being of the livestock industry in Canada depends on the health and well-being of the animals that are under the care of the livestock producer. If an animal is in pain or under stress, that animal will not do well for that producer.

I do not believe anyone in this country looks after their animals better than those involved in the livestock industry. One of the greatest successes in raising livestock is to ensure that you have healthy and, let me emphasize, content, animals under your care. Honourable senators can rest assured that anyone in this country who makes his or her living out of raising or feeding livestock is doing exactly that.

I wish to stress to the members of the committee, who will give clause-by-clause consideration to this bill, that some improvements could be made to the bill. Members of the committee must ask the questions and listen to the points of view that are put forward by the livestock operators. They do not want the bill to be defeated, but they would like to have one simple amendment to the bill.

Their concern, which was expressed by the previous speaker, is that there are some, not all, animal activist rights groups within Canada that are on record as saying that, if Bill C-10 passes, they will use it to launch test cases against farmers and ranchers who use legitimate, normal, animal husbandry practices. That is of great concern to a livestock producer such as myself. It is unfair to place the livestock producer in such a position that they must spend hard-earned money to defend their right to be able to produce an animal in a proper manner.

There is one simple amendment that can be added to this bill, and I know, having spoken to members of the livestock organizations throughout Canada, that they will present that amendment to the committee at the appropriate stage of the process. I urge all honourable senators on the committee to listen carefully to the arguments that they present and to the logical reasons that they give in support of that particular amendment.

Honourable senators, I thank you for giving me the time for these brief remarks.

**Hon. Terry Stratton:** Honourable senators, will the honourable senator take a brief question?

What is the amendment to which the honourable senator refers?

**Senator Wiebe:** I would have thought that the honourable senator would have spoken to some of the livestock operators. If he has done that, he will know what amendment will be put forward. It is not my place, as a senator, to suggest an amendment if I am not planning to move it. If this were third reading, and the amendment had not been placed —

**Hon. Anne C. Cools:** The honourable senator can move the amendment.

**Senator Wiebe:** I am not interested in moving it at this time. It is the responsibility of the members of the committee to consider that amendment.

**Hon. John Lynch-Staunton (Leader of the Opposition):** What is the amendment?

**Senator Wiebe:** My comments, and I am hopeful that honourable senators will accept them as such, are simply to ask that, when these livestock operators suggest an amendment, the committee take a close look at it.

**Senator Lynch-Staunton:** What is the amendment?

**Senator Wiebe:** Do I have to tell the honourable senator?

**Senator Lynch-Staunton:** Senator Wiebe raised the issue.

**Senator Stratton:** Tell us what the amendment is.

**Senator Wiebe:** If honourable senators are interested in the context of the amendment that the livestock producers want to present, may I suggest that honourable senators ask them?

**Senator Stratton:** Senator Wiebe opened the debate.

**Senator Wiebe:** May I suggest that the honourable senator pick up the phone, call them and say, "I understand you are concerned. We want to listen to you."

**Senator Lynch-Staunton:** We should have adjourned the debate and saved the honourable senator this embarrassment.

**Senator Wiebe:** The honourable senator will have the opportunity, as does every senator, to attend the committee.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Will the honourable senator advise the house as to whether he will abstain from the vote in this matter, pursuant to rule 65(4)?

**Senator Wiebe:** Would the honourable senator please repeat the question?

**Senator Kinsella:** Honourable senators, I compliment the honourable senator for bringing before the house an important consideration — the concern of the livestock community in Canada, of which the honourable senator has advised us he is a member.

The honourable senator has told us of his involvement in that industry and he should advise the house on whether he intends to abstain from any vote on the matter in consideration of rule 65(4), which provides that:

A senator is not entitled to vote on any question in which the senator has pecuniary interest —

**Senator Wiebe:** I would thank the honourable senator for bringing that rule to my attention. When Bill C-10 is referred to committee, or at second reading for that matter, I intend to vote in favour of the bill. The reason is that I no longer have an interest in livestock.



**Senator Stratton:** The honourable senator just told us that he had an interest in livestock operations.

**Hon. Pierre Claude Nolin:** I am certain that Senator Wiebe is familiar with the fact that the Criminal Code has sections pertaining to cruelty to animals. In the honourable senator's last comment, he said that he would vote in favour of the bill. What does the bill add to what is already contained in the Criminal Code?

• (1500)

**Senator Wiebe:** I believe it adds a considerable amount. It covers animals that are now under the care and protection of the police forces in this country. The bill adds animals that are in the care of Mother Nature, that someone, for example, may take advantage of while hunting.

I think that it is an excellent bill. It clarifies the act, and it increases the penalties. The key is that it increases the penalties for offences against some of the animals in this country.

**Senator Nolin:** Does Senator Wiebe believe that an increase of the penalty will increase the respect for the rule?

**Senator Wiebe:** I very much believe that it will do that. I liken it to a speeding ticket. If someone were charged \$20 for going over the speed limit and no points were deducted from his licence, he will not think much about that. However, if the penalty is increased to \$1,000 and 20 points against his driver's licence, it will make a big difference in how he will react.

**Senator Prud'homme:** This is the beauty of the Senate and debating, senator. A long time ago, I believe I campaigned in Saskatchewan near your area.

You mentioned that you did not want to get into the details of the amendment. I am a city person. I believe in good equilibrium, because my family is rural. My father is the only one who went to the city. We still have farms.

You could influence my judgment if I knew who will make up the committee that will study the bill. The committee may be full of highly sophisticated people with very limited experience in rural areas. Therefore, I would like to know what kind of amendment you think could convince a person like me to change my opinion? I am not stubborn. That is my first point.

As to my second point, you raised it yourself. I do not know how a very honest farmer, who is not too rich, could face these highly sophisticated, highly well-organized, well-oiled organizations that may decide to make an example of one person in particular and say, "This will be our test case." It will be a David-and-Goliath kind of fight. I do not know any farmers who have a charitable donation number, to defend themselves against anything they perceive to be unfair and unjust. I believe we should be very careful.

Even though I have my law degree, Senator Nolin is one I always look to for guidance because of his expertise in practical law. It troubles me. I know the Criminal Code. If the Criminal Code were to be used appropriately, it would cover almost everything that this bill proposes, just as the conflict of interest guidelines cover almost everything that applies to members of parliament. The biggest danger we face is that people may forget to read the appropriate number in the Criminal Code that applies

to corruption, et cetera. That is another debate we will have eventually.

The honourable senator has asked us why we have not called farm organizations. I do not know big organizations that I can call this afternoon and ask what kind of amendments they are going to suggest. As yet, I do not even know who will be members of our Legal Committee, but I think they may be top-notch lawyers with little practice in rural affairs.

**Senator Wiebe:** Had the honourable senator listened to my comments, he would have heard me say that some organizations indicated to me that they would be presenting suggested amendments to the committee in order to make some of the corrections that they feel are necessary. They have shared ideas with me, but those may not be the ideas that they will eventually share with the committee. The idea of second reading debate is to debate the principle of the bill. I mentioned that so that the members of the committee who will be studying this bill will look seriously at whatever proposals the livestock industry in this country makes when the bill goes to Committee of the Whole.

**Senator Adams:** Honourable senators, my question is for Senator Wiebe. If that bill dealt only with livestock and farmers, I would agree with him. However, I think the bill refers to any type of animal. Aboriginal people hunt over a hundred different types of animals. Does the bill refer only to livestock?

**Senator Wiebe:** No, it does not. In this particular bill —

**Hon. Shirley Maheu (The Hon. the Acting Speaker):** I regret to inform the honourable senator that his time for speaking has expired.

**Senator Prud'homme:** Let him finish.

**The Hon. the Acting Speaker:** Are you asking for leave to continue?

**Senator Wiebe:** Yes.

**The Hon. the Acting Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Senator Wiebe:** The definition of "animal," which is certainly what I was talking about, in the bill under proposed section 182.1 states:

In this Part, "animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

**Senator Adams:** If I want to eat, I would eat an animal that can feel pain. When I return to my community next week or next month and the bill has been passed, I would be guilty of cruelty to the animal if I ate what I had hunted. I go caribou hunting, seal hunting, fishing, ptarmigan hunting, and rabbit hunting. In fact, honourable senators, I hunt all kinds of animals. Those animals are not considered to be my livestock. I hunt those animals on the land, which is where I provide food for my family.

On motion of Senator Comeau, debate adjourned.

• (1510)

## THE SENATE

### COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENTS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of October 8, 2002, moved:

That for the duration of the present session any select committee may meet during adjournments of the Senate.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, does the honourable colleague opposite who has moved this motion wish to provide an explanation?

[Translation]

**Senator Robichaud:** Honourable senators, rule 95(3) states, and I quote:

By order of the Senate any select committee may meet during an adjournment of the Senate which exceeds a week.

This motion would allow a committee to meet during adjournments of more than one week, without seeking the approval of the Senate. This would simplify the work of committees and the chairs would not need to ask permission to sit when the Senate is adjourned for a period of more than seven days.

[English]

**Senator Kinsella:** Honourable senators, this is a particularly important matter for the good conduct of the work of our Senate committees. My honourable colleague has drawn our attention to rule 95. It is important for committee chairs or steering committees to understand the operation of rule 95(2), which reads as follows:

When the Senate adjourns for a week or less, a select committee may sit on those days over which the Senate is adjourned if notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

For example, honourable senators, if we were not sitting next week, it would have been necessary for a committee to give notice to its members on Wednesday, adopted on Thursday, that that committee was going to meet next week.

However, pursuant to rule 95(3), if the Senate is in a state of adjournment for longer than one week, a committee cannot sit during that adjournment, save and except by special order from the Senate.

The proposal that is before us is to give a blanket authorization for a committee to meet during adjournments of the Senate.

If one were to examine the record, one would find that this is more the practice than the exception. The practice has actually, for a number of years, been contrary to what the rules provide.

## REFERRED TO COMMITTEE

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Under that circumstance, honourable senators, I move that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament prior to us taking any action on it. In that way, the Rules Committee can study and report back to the Senate on this matter.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

## STUDY ON STATE OF HEALTH CARE SYSTEM

### FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—ORDER STANDS

On the Order:

Consideration of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(Honourable Senator Kirby).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, this item has been on Order Paper for some time — three days, I believe. It is the subject of major national consideration. This is one of the most important studies done by a Senate standing committee in recent times.

Honourable senators will recall that there was some dispute around the process followed for the tabling of the report. That dispute was in relationship to the press conference held concerning the report.

Given that the report is of such pith and moment — in terms of the public reaction — it would be preferable for this debate to be launched as early as possible. I would encourage all honourable senators to prepare for that debate. It is my hope that the chair of that committee will launch the debate next week.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, my colleague spoke gently. I shall speak more harshly. I find it appalling and deplorable that a report as significant as this one, which has been before the house for a week, has yet to be debated, started, of course, by the chairman. He has found the time to hold press conferences, to appear on television, to go on the radio and to lend himself to interviews by editorial boards. However, the chairman has yet found time to speak to this report before the house, which authorized the study to initiate the debate on such an important topic.

I think all of us should deplore this disinterest by one of our own colleagues in the opinions of this house, which authorized the report. I cannot understand, and certainly do not accept, that the Senate be treated in such a cavalier fashion, particularly by one of its own. I support Senate efforts being given the widest publicity possible, but I do not accept that Senate participation in an exchange of views on this topic, which preoccupies Canadians the most, be not found important enough yet to be heard. I find it particularly ironic, given that the House of Commons discussed



the health situation in Canada in a government-sponsored take-note debate on Monday afternoon, in which participants of the debate made constant reference to the Social Affairs Committee report. They have already started discussing it on the other side and it is not even their report. Here we are a week later.

I find it sad, honourable senators, that the committee chairman, the main person behind this study, has yet to be heard in his own chamber.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I will ensure that the comments made here this afternoon are brought to the attention of the Chair of the Standing Senate Committee on Social Affairs, Science and Technology.

Order stands.

• (1520)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### MOTION TO ADOPT FOURTEENTH REPORT OF COMMITTEE PRESENTED IN FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT— DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier**, pursuant to notice of October 22, 2002, moved:

That the recommendations and proposed rules contained in the Fourteenth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented to the Senate in the First Session of the 37th Parliament on June 11, 2002, be adopted, mainly:

#### 1. a) Recommendation:

That the Senate adopt a procedure that would

(a) enable the Senate, following its approval of a report submitted by a select committee, to refer that report to the Government with a request for a comprehensive response within 150 calendar days;

(b) require the Leader of the Government in the Senate to either table the Government's response within the 150 day period or provide the Senate with an explanation; and

(c) deem the report and the comprehensive response to be referred upon tabling to the select committee for review, and provide that the select committee be deemed to have been referred the matter for consideration should the 150 day period lapse without a comprehensive response being received.

#### b) Proposed Rule:

That the *Rules of the Senate* be amended in rule 131,

(a) by renumbering rule 131 as 131(1); and

(b) by adding after subsection 131(1) the following:

“Request for Government response

(2) Where the Senate adopts either a resolution or a report from a select committee, other than the report on a bill, requesting the Government to provide a full and comprehensive response to the report, the Clerk of the Senate shall communicate the request to the Government Leader in the Senate who shall, within one hundred and fifty calendar days after the adoption of the report, either table the Government's response or give an explanation for not doing so in the Senate.

(3) Where the Senate adopts a resolution or a report under subsection (2), the report of the select committee and the response of the Government or the explanation of the Government Leader for the absence of a response are deemed to be referred to the select committee one hundred and fifty calendar days after the adoption of the report.”

#### 2. a) Recommendation:

That the Senate adopt a rule based on Senator Gauthier's proposal relating to petitions, setting out the requirements as to their form and content, providing for a presentation procedure and providing that the subject matter of each public petition shall be referred to the appropriate standing committee, which shall consider it and, where it believes such action to be desirable, report back to the Senate with findings and recommendations.

#### b) Proposed Rule:

That the *Rules of the Senate* be amended by replacing rules 69 to 71 with the following:

“Presentation of petitions

69. (1) A Senator may present a petition to the Senate, including a petition for the passage of a private bill or for the redress of a grievance.

Senator's signature

(2) A Senator who presents a petition to the Senate must sign it as the sponsor, but the signature of the Senator is not an indication that the Senator agrees with the content of the petition.

Multiple sponsors

(3) More than one Senator may sponsor a petition.

Report attached

(4) A Senator who presents a petition for the purposes of rule 71 shall present it with the report of the Examiner of Petitions attached.

## Content of petition

(5) A petition to the Senate must:

- (a) be identified as a petition;
- (b) be addressed to the Senate or to the Senate in Parliament assembled;
- (c) respectfully request the Senate to do something that it is able to do;
- (d) if it is the petition of one or more individuals, contain the original signatures of the petitioners, their names and correct addresses and the dates of their respective signatures; and
- (e) if it is the petition of a corporation, be dated and duly authenticated and under the seal of the corporation.

## Form of petition

(6) A petition to the Senate must:

- (a) be in a form prescribed by the Committee on Rules, Procedures and the Rights of Parliament, on sheets of paper of standard or legal size;
- (b) be an original, not a photocopy or facsimile;
- (c) be legible, whether it is written, typewritten, printed or some combination of these;
- (d) be free of extraneous matter in its text and of alterations; and
- (e) reproduce on every sheet its identification as a petition to the Senate or to the Senate in Parliament assembled and the text of the request, if it consists of more than one sheet of signatures and addresses.

## Examiner of Petitions

(7) The Director of Committees shall be the Examiner of Petitions.

## Petition on behalf of public meeting

70. Petitions signed by persons purporting to represent public meetings shall be received only as the petitions of the persons who sign.

## Public petitions

71. (1) In this rule, "public petition" means a petition to the Senate or the Senate in Parliament assembled by at least 25 persons, other than Senators and members of the House of Commons, that is filed for examination, presentation, referral and report under this rule.

## Filing for examination

(2) A person may file a public petition with the Clerk of the Senate who shall, at the request of a Senator who proposes to sponsor it, refer it to the Examiner of Petitions for examination for compliance with rule 69.

## Referral

(3) Where a Senator presents a public petition in the Senate with a report by the Examiner of Petitions attached advising that the petition is in compliance with rule 69, the petition, its subject-matter and the report shall be referred, without notice and without debate, to the appropriate standing committee.

## Report

(4) The committee to which a public petition is referred under subsection (3) may report on its findings and recommendations, if any, to the Senate."

**3. a) Recommendation:**

That, with the exception of clauses 26.1(8) to (11), the Senate adopt the substance of the October 16, 2000 motion of Senator Kinsella, seconded by Senator Forrestall, that would add a rule 26.1 to provide for the expeditious consideration of secession referendum questions or referendum results by Committee of the Whole, upon their being tabled in a provincial legislature or otherwise officially released.

**b) Proposed Rule:**

That the *Rules of the Senate* be amended, in rule 26,

(a) by adding the following before subsection (1):

"Constitutional business

(1) Constitutional Business: Orders of the Day for motions under rule 26.1(3)."

(b) by renumbering subsections (1) and (2) as (2) and (3) and all cross-references thereto accordingly; and

(c) by adding the following after rule 26:

"Question considered

26.1 (1) Immediately after the government of a province tables in its legislative assembly or otherwise officially releases the question that it intends to submit to its voters in a referendum relating to the proposed secession of the province from Canada, motions to refer that question to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other orders of the day.



### Clear majority considered

(2) Immediately after the government of a province, following a referendum relating to the secession of that province from Canada, seeks to enter into negotiations on the terms of which that province might cease to be a part of Canada, motions to refer the subject of the clarity of the majority achieved in the referendum to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other Orders of the Day.

### Order of business

(3) Notwithstanding rule 23(8), the Speaker shall call for motions under this rule as the first item of business after Question Period.

### Priority

(4) Motions under this rule shall be considered and disposed of in the following order: a motion, if any, by the Government Leader; a motion, if any, by the Leader of the Opposition; a motion, if any, by the leader of a recognized third party in the Senate; motions, if any, by other Senators.

### Deemed disposition

(5) Only one order of reference at a time may be made under subsection (1) or (2) and, as soon as an order of reference is adopted, with or without amendment, the remaining motions shall be dropped from the *Order Paper*.

### Time

(6) Where the Senate adopts an order of reference under this rule, the Committee of the Whole shall report within fifteen calendar days after proceedings commenced in the Senate under subsection (1) or (2).

### Transmission of findings

(7) When the Senate adopts a resolution in respect of a report presented pursuant to this rule, the Speaker of the Senate shall transmit copies of the resolution and of all proceedings held under this rule in the Senate and in the Committee of the Whole, including a complete copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada."

He said: Honourable senators, this motion proposes that the recommendations and proposed rules contained in the fourteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented on June 11, 2002, be adopted.

The Senate committee met on fourteen occasions on this matter and proposed five amendments to the *Rules of the Senate*. The Senate has already dealt with the recommendation to strike a standing committee on official languages, and has adopted it. We also sent a message to the House of Commons informing them of that decision, on October 10. Nine senators will be on that committee. This decision will enable the Senate to make use of its institutional memory, its experience, its expertise in the area of official languages in a non-partisan and productive atmosphere. The Senate has fulfilled its constitutional obligations by representing the regions of Canada and the minority official language communities.

The Senate committee also recommended the adoption of a provision concerning committee reports other than reports on a bill. Once a motion was adopted, it could be handed over to the government with a request for an overall response within 150 days of that adoption.

At present, when a report is tabled in the Senate, and not adopted, there is no follow-up. This is also the case when the debate on the report is over and it is adopted. I am merely asking that, once a report has been adopted, this report be made the subject of a request for a comprehensive response by the government. This is reasonable. It is a totally normal follow-up on an action taken by Parliament.

The Clerk of the Senate would transmit the request to the Leader of the Government in the Senate, who, within 150 calendar days of the adoption of the report, would have to table the government's response or justify his silence or his refusal to respond. Of course, there would then be a follow-up and we would be in a position to evaluate the merits of the case.

The Senate should also adopt a rule on petitions that would spell out the criteria for their form and content, and a procedure for their presentation, which would provide that the topic of each public petition be referred to the appropriate standing committee for review and, if necessary, a report to the Senate with the committee's conclusions and recommendations.

Currently, petitions are tabled in the Senate but, again, there is no follow-up. Nothing happens, and thousands of Canadians sign these petitions, thinking they will make things change, but everything is shelved. This is not right.

It is high time the Senate adopted a rule on petitions, because right now a senator may present a petition that was signed in good faith by Canadians, but we all know that there is no follow-up.

[English]

Honourable senators will understand the importance of this proposal, it being a long-established parliamentary practice and tradition whereby the people may address the Senate or the Senate in Parliament assembled by petition purporting to represent matters of importance to which parliamentary attention and possibly action is required.

This proposal would allow for such petitions to be duly presented to the appropriate Senate committee for examination, thereby ensuring serious consideration for redress of the grievances.

The fourteenth report of the committee also recommended that the Senate adopt the substance of a motion that was proposed by Senator Kinsella on October 16, 2000, which is two years ago, that, in effect, will add a rule to provide for the expeditious consideration of secession referendum questions or referendum results by the committee of the whole upon that being tabled, either in the provincial legislature or otherwise officially released. This is essential, and I would like to support that initiative.

There was general agreement in committee with the principle that is reflected in this proposal by Senator Kinsella. Discussion focused on detailed refinements to ensure its effectiveness. The committee added that the Senate would contribute effectively to the consideration of secession referendum questions by proposing a procedure that the Senate findings or results be taken into account by the House of Commons. Some of you will remember that vote, where the Senate was more or less excluded from the process. This corrects an injustice and corrects a situation that I find is irregular.

Finally, the committee considered a proposal that attendance by video conference would be recorded as full attendance. In other words, a senator who attends a meeting by video conference would be registered as present at the committee hearing, even though he or she may be thousands of miles away.

• (1530)

Honourable senators discussed this issue for a long time and concluded that this proposal opens the door to a range of complex issues. Honourable senators decided to address the issue in a subsequent report. It makes sense for us to look at issues like these. The new chair of the committee will understand that when I bring these issues forward. That is because I have been here for a few years. I am trying to do here what is done in other parliaments, that is, give Canadians satisfaction that when they appeal to the Senate, or when they come to the Senate of Canada for an action, there will be a follow-up on their concerns, whatever that follow-up may be.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** I thank the Honourable Senator Gauthier for refreshing our memory and reviewing this report that was presented by the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. I believe we should refer this motion to committee for study and then the committee can report back to the Senate as soon as possible, so that we may act accordingly.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the committee has already conducted an in-depth study. The Standing Senate Committee on Rules, Procedures and the Rights of Parliament made recommendations on the three issues included in this motion. I fully agree with the third recommendation in this report.

[ Senator Gauthier ]

The committee studied this report as well as the suggestion to establish a practice whereby the government must respond to a committee report once it has been adopted, and the suggestion to establish a better system for the presentation of petitions. We are prepared to support this motion immediately. I wonder why it is necessary to refer this motion to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament for another study. In my opinion, this is not necessary. Perhaps it is simply because the government does not accept the principle of responding to the report. Could the honourable senator explain this to me?

**Senator Robichaud:** Honourable senators, there is no question of unduly delaying consideration of this motion. A new committee is in place, and some of its members are new. I think that this committee could review this report relatively quickly since, as the Honourable Senator Kinsella indicated, consideration and study have already taken place. This could go very quickly. As regards his question as to whether the government would object to responding to committee reports, that is not the issue. The recommendation has to be written in such a way as to be understood. A recommendation cannot be used to require the government to respond. Only legislation can require the government to act on a given issue. As I said, I think this review could be carried out relatively quickly.

[English]

**Senator Kinsella:** I thank the honourable senator for the explanation. I take it that the Standing Committee on Rules, Procedures and the Rights of Parliament will move with all due haste, expeditiously and without undue delay, and that we will have the support from the government side because they accept the principle contained therein. I do note that one little curiosity is that the principle of sending everything to a committee was not followed when the proposition was before us to create the on Official Languages Committee. That was not sent to the Rules Committee for deliberation. However, I accept the explanation of the Deputy Leader of the Government. His Freudian slip, that I was the Deputy Leader of the Government, is accepted in the spirit in which it was enunciated.

**Senator Robichaud:** I thank the honourable senator for making the correction. I had no intentions of moving to the other side right now.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

## AGRICULTURE AND FORESTRY

### COMMITTEE AUTHORIZED TO STUDY IMPACT OF CLIMATE CHANGE

**Hon. Jack Wiebe,** pursuant to notice of October 30, 2002, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the impact of climate change on Canada's agriculture, forests and rural communities and the potential adaptation options focusing on primary production, practices, technologies, ecosystems and other related areas;



That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during the First Session of the Thirty-Seventh Parliament be referred to the Committee and;

That the Committee submit its final report no later than December 31, 2003.

Motion agreed to.

### FISHERIES

#### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Gerald J. Comeau**, pursuant to notice of October 30, 2002, moved:

That the Senate Standing Committee on Fisheries be authorized to have the public proceedings of the Committee, at its discretion, televised with the least possible disruption of its hearings.

Motion agreed to.

#### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Gerald J. Comeau**, pursuant to notice of October 30, 2002, moved:

That the Senate Standing Committee on Fisheries be authorized to hire such counsel, technical, clerical and other personnel as may be necessary for the Committee's study of bills, subject-matters of bills and estimates referred to this Committee.

Motion agreed to.

[Translation]

### NATIONAL SECURITY AND DEFENCE

#### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Joseph Day**, pursuant to notice given on October 30, 2002, moved:

That the Standing Senate Committee on National Security and Defence be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

### ADJOURNMENT

Leave having been granted to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 5, 2002, at two o'clock in the afternoon.

**The Hon. the Acting Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 5, 2002, at 2 p.m.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
(2nd Session, 37th Parliament)  
**Thursday, October 31, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10							
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology					
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology					

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							

[illegible]

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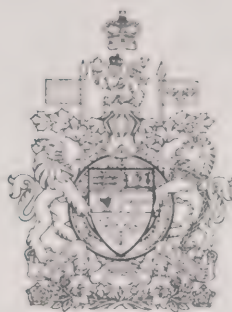




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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 5, 2002**

—  
THE HONOURABLE DAN HAYS  
SPEAKER



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## THE SENATE

Tuesday, November 5, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### VETERANS' WEEK 2002 AND REMEMBRANCE DAY

**Hon. Jane Cordy:** Honourable senators, as the daughter of a World War II veteran, I am pleased and honoured to rise today to say a few words about Veterans' Week and Remembrance Day.

Over the years, we in this place, especially through our committee work, have taken a very special interest in the welfare of our veterans. I am proud to say that we have also set a bit of a tradition by virtue of the ceremonies we hold every year, commemorating a special event in our military history.

If memory serves, the first event was five years ago when we rededicated the splendid First World War murals that grace our chamber. Under the wise guidance of our former Speaker, the late Gildas Molgat, we continued the tradition. In 1999, we honoured the fifty-fifth anniversary of the Battle of the Gulf of St. Lawrence. The following year, it was a ceremony to commemorate the British Commonwealth Air Training Plan. Last year, we witnessed the presentations of Memorial Crosses to the next of kin of fallen peacekeepers.

The ceremony this year will be no less unique — the presentation of the new Minister of Veterans Affairs Commendation to a select group of veterans. What will be so special about this year's event is the participation of so many young Canadians in the company of such distinguished servicemen and women — the youth of Canada and the younger and not-so-young war veterans together in our chamber, one group representing our future, the other our past. The more we can encourage them to talk to each other, the more likely the young will treasure that past and consider carefully their country's future. Not coincidentally, that is the theme of Veterans' Week this year: Remembering Our Past, Preserving Our Future.

For those who have visited Commonwealth war cemeteries overseas, consideration of such a theme becomes clear. What is most striking about these cemeteries are the headstones lined up row upon row, almost reminiscent of a military formation. More remarkable still are the notations on the stones, particularly when one notes the age of the soldiers at the time they fell, for it is the young we sent to war and so many never got to grow old. They are our past. They are those who never got to live out their futures, never returned home to loved ones and parents, never returned home to young children, never got to grow old and never had a future at all. It is we, their inheritors, who have reaped a future guaranteed by their shed blood, a remarkable legacy bound up in a single word, "Canada."

Writer Heather Robertson admonishes us with the following comment:

We must remember. If we do not, the sacrifice of —

— those —

— one hundred thousand Canadian lives will be meaningless. They died for us, for their homes and families and friends, for a collection of traditions they cherished and a future they believed in; they died for Canada. The meaning of their sacrifice rests with our collective national consciousness; our future is their monument.

Let us remember our past, honourable senators, so that we might preserve that future for our children.

**Hon. Michael A. Meighen:** Honourable senators, I, too, am a child of a World War II veteran. I compliment Senator Cordy on her remarks and should like to make a few of my own on the subject of Veterans' Week.

[Translation]

Honourable senators, today begins Veterans' Week, seven days of activities and events to be held throughout the country to honour Canada's war veterans. The theme this year is: "Remembering our past, Preserving our future."

Honourable senators, this represents both a duty and a promise. The duty: to commemorate those who sacrificed so much in past conflicts, and a promise to the youth of today, who will shape the future of Canada.

[English]

Every year on November 11, the last day of Veterans' Week, we formally carry out our duty. We remember the 66,000 Canadians who gave their lives in the First World War. We remember the thousands more who lost their lives in the Second World War. We remember those who died or who were injured in countless peacekeeping operations and in wars in Korea and in the Gulf. Sadly and tragically in Afghanistan this year, four more names were added to the list of those we must never forget.

That is our duty, but what about our pledge? What are we doing to preserve the future for our young people? As we saw on September 11 last year, the future is full of unexpected peril. We, in Canada, as part of the Western world, are not immune to the terrorist threat. However, instead of rising to the challenge of September 11, we seem to be shrinking away from it. The government continues to provide little in the way of money or equipment for our undermanned military, yet it continues to ask more of them. Indeed, this has become a dangerous trend. Yesterday, the Right Honourable Joe Clark pointed out, in the other place that the time our troops spent abroad between 1993 and 1998 rose by some 400 per cent, while during the same period funding for our military declined by 22 per cent.



• (1410)

How long can this go on, honourable senators? Not much longer, according to one well-placed observer, who stated recently that "It is wrong to continue overstretching our military people and their families." He also noted that "We should be spending more than is currently planned. Indeed, the Canadian Forces need more money simply to continue operating as they are, today, in a sustainable way."

That observer, honourable senators, was none other than the current Minister of National Defence, John McCallum, the man responsible for taking care of the brave men and women who will be on the front line when it comes to preserving our safety and security; when it comes to preserving our future. Those are nice words he spoke, but it is time he did more than talk. It is time this government began to act.

[Translation]

Honourable senators, today I implore the government to take its promise to our young people seriously. In order to ensure their future, we and our allies need to have properly funded and properly equipped armed forces, in order to combat not only the scourge of international terrorism, but any other threat against our security and sovereignty as well, no matter when and no matter where. To do otherwise would dishonour the memory of the Canadians who sacrificed so much in past wars.

[English]

## NEWFOUNDLAND AND LABRADOR

### SWEARING-IN CEREMONY OF THE HONOURABLE E. M. ROBERTS AS LIEUTENANT GOVERNOR

**Hon. Joan Cook:** Honourable senators, on Friday, November 1, in the legislative chambers of the Province of Newfoundland and Labrador, Edward Moxon Roberts, Q.C., was sworn in as the province's eleventh Lieutenant Governor. However, he is the first one inducted to the newly named Province of Newfoundland and Labrador.

His Honour has served in public office over a span of 36 years. He was first elected to the provincial House of Assembly in 1966, a week after his twenty-sixth birthday, as the member for White Bay North. He was re-elected seven times. He sat on both sides of the House. He held his share of legislative offices, including Leader of Her Majesty's Loyal Opposition and Government House Leader.

During breaks within the ceremony, a Memorial University ensemble played such Newfoundland tunes as *Let Me Fish Off Cape St. Mary's* and *We'll Rant and We'll Roar Like True Newfoundlanders*. In recognition of his fondness for country music, they also included Patsy Cline's *Crazy* and Hank Williams' *Hey, Good Lookin'*.

The galleries were filled to capacity with people who came to wish him well, including his brothers Douglas and Peter, other family members and his granddaughter Madeline.

His Honour's dad, Dr. Harry, now elderly and frail at the age of 94, simply could not be there. However, the morning coat that he wore was his dad's, made in St. John's in 1942 by Ern Maunder, a renowned Newfoundland tailor.

Honourable senators, His Honour is first and foremost a proud Newfoundlander and Labradorian — equally so, a proud Canadian. His wife Eve and he will serve us well and he intends, in his own words, "to use Government House as a place to celebrate the achievements of Newfoundlanders and Labradorians, from every walk of life."

Over the past five years, he has served as Chair of the Board of Regents of Memorial University and, in his remarks he continued to urge members of the House of Assembly to invest in the education of our people, at every level.

Honourable senators, to His Honour and to his gracious wife Eve go my warm regards for what, I believe, will be a challenging and a rewarding five years for them both.

[Translation]

## SUPREME COURT

### DECISION GIVING PRISON INMATES RIGHT TO VOTE IN FEDERAL ELECTIONS

**Hon. Gérard-A. Beaudoin:** Honourable senators, in its judgment in *Sauvé*, the Supreme Court of Canada has found, with a majority of five to four, that prisoners are entitled to vote in federal elections. The restrictions imposed by the Government of Canada are not justified in a free and democratic society. That is, moreover, the attitude I have taken in my writings for some years.

I, therefore, agree with the Supreme Court of Canada decision. I will, in fact, be calling the attention of the Senate to this decision later on. Chief Justice McLachlin stated at paragraph 9 of *Sauvé*:

The right to vote is fundamental to our democracy and the rule of law and cannot be lightly set aside. Limits on it require not deference, but careful examination. This is not a matter of substituting the Court's philosophical preference for that of the legislature, but of ensuring that the legislature's proffered justification is supported by logic and common sense.

Since inmates retain citizenship when incarcerated, they are entitled to vote according to article 3 of the Charter of Rights and Freedoms, which states that all citizens have the right to vote. In this connection, McLachlin J. states as follows at paragraph 21:

Section 51(e) denying penitentiary inmates the right to vote was not directed at a specific problem or concern. Prisoners have long voted, here and abroad, in a variety of situations without apparent adverse effects to the political process, the prison population, or society as a whole.

I am therefore delighted with this judgment by our supreme tribunal and will be calling the attention of the Senate to it a little later on.

[English]

• (1420)

## SECOND ANNUAL ELINORE AND LOU SIMINOVITCH PRIZE IN THEATRE

**Hon. Donald H. Oliver:** Honourable senators, I wish to call your attention to a cultural event of national importance I had the honour to attend in Toronto last week. It was the second annual presentation of the Elinore and Lou Siminovitch Prize in Theatre at Toronto's historic Hart House Theatre.

The late Elinore Siminovitch was a playwright. Her husband, Dr. Lou Siminovitch, O.C., whom I had the honour to meet at that event, was instrumental in the discovery of the genetic causes of muscular dystrophy and cystic fibrosis, and he had a long and illustrious career as a teacher and professor at the University of Toronto.

Elinore was a playwright in the 1960s who authored over 30 plays, 12 of which were produced. Her interests in social issues, feminism and political change were reflected in her plays, such as *A Man in the House*, which won Theatre Ontario Playwrights' Showcase Prize. The prize, which started in 2001, is the largest of its kind in Canada. It was founded by a number of donors, including BMO Financial Group and Tony and Elizabeth Comper, to recognize an artist in mid-career who has contributed significantly to the fabric of theatrical life through a total body of work. The prize is given for three different things: theatre direction, playwriting and design — lighting, set, costume and sound. It began with directors in 2001, followed by playwrights in 2002.

This year's winner was Montreal playwright Carole Fréchette, who was presented with the prize and a cheque for \$75,000. Her plays have enjoyed success around the world, in Belgium, France, Germany and many other countries.

In saluting Ms. Fréchette, I want honourable senators to know that one of the nominees was Sydney, Nova Scotia's own Daniel MacIvor. I should also like to salute Nicola Lipman, one of Atlantic Canada's most distinguished actresses, who served on the five-person jury that selected Ms. Fréchette. Ms. Lipman has resided in Halifax for nearly 20 years, where she has served the Neptune, Eastern Front and Mermaid Theatres. I am a past chairman of the Neptune Theatre.

Honourable senators, please join me in saluting these outstanding Canadians who are contributing to the rich, artistic fabric of our country.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Marjorie Morton, President of the Assembly of Nevis Island, and the parliamentarians participating in the Second Canadian Parliamentary Seminar.

Welcome to the Senate of Canada.

## ROUTINE PROCEEDINGS

### AGRICULTURE AND FORESTRY

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

### FOREIGN AFFAIRS

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Peter A. Stollery:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs, which deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate.)

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

### ELEVENTH ANNUAL SESSION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, JULY 6-10, 2002—REPORT TABLED

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I have the honour to table, in two official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association (OSCE) to the Organization for Security and Co-operation in Europe Parliamentary Assembly's (OSCE PA) Eleventh annual session held in Berlin, Germany, from July 6 to 10, 2002.

[Translation]

## ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

### NINTH GENERAL ASSEMBLY, JULY 10-13, 2002—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, I have the honour to table, in both official languages, the report of the ninth general assembly of the Asia-Pacific Parliamentarians' Conference on Environment and Development, which was held in Seoul, Korea, from July 10 to 13, 2002.



## ASEAN INTER-PARLIAMENTARY ORGANIZATION

TWENTY-THIRD GENERAL ASSEMBLY,  
SEPTEMBER 8-13, 2002—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, I have the honour to table, in both official languages, the report of the twenty-third general assembly of the ASEAN Inter-Parliamentary Organization, which was held in Hanoi, Vietnam, from September 8 to 13, 2002.

[English]

## NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING ADJOURNMENT OF SENATE

**Hon. Jane Cordy:** Honourable senators, I give notice that, on Wednesday next, November 6, 2002, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

## HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
MEET DURING ADJOURNMENT OF SENATE

**Hon. Shirley Maheu:** Honourable senators, I give notice that, on Wednesday, November 6, 2002, I will move:

That the Standing Senate Committee on Human Rights be empowered, in accordance with rule 95(3), to sit on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

## AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Agriculture and Forestry have power to engage services of such counsel and technical, clerical, and other personnel as may be

necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

## LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. George J. Furey:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. George J. Furey:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[Translation]

## OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I give notice that, on Wednesday, November 6, 2002, I will move:

That the Senate Standing Committee on Official Languages be authorized to have the public proceedings of the Committee, at its discretion, televised with the least possible disruption of its hearings.

[English]

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I give notice that, tomorrow, Wednesday, November 6, 2002, I will move:

That the Senate Standing Committee on Official Languages be authorised to hire such counsel, technical, clerical and other personnel as may be necessary for the Committee's study of bills, subject matters of bills and estimates referred to this Committee.

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

**Hon. Michael A. Meighen:** Honourable senators, I give notice that, on Wednesday, November 20, 2002, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters.

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-sixth Parliament and the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report no later than June 30, 2003.

## FOREIGN AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Peter A. Stollery:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorised to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Peter A. Stollery:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Lorna Milne:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Lorna Milne:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Lorna Milne:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Rules, Procedures and the Rights of Parliament be empowered, in accordance with rule 95(3), to sit on Monday, November 18, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE THE COMMITTEE TO TRAVEL

**Hon. Joseph A. Day:** Honourable senators, I give notice that, on Wednesday next, November 6, 2002, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study.

• (1440)

## QUESTION PERIOD

### OFFICIAL LANGUAGES

#### AIR CANADA—DIRECTIVE ON PROVISION OF BILINGUAL SERVICES

**Hon. Jean-Robert Gauthier:** Honourable senators, my question is for the Leader of the Government in the Senate. Air Canada's recent directive respecting unilingual francophones is unacceptable. Let me explain.

Air Canada has issued instructions directing its flight attendants to avoid sitting passengers who speak French only near emergency exits if the cabin crew is not bilingual.



Transport Canada's directions are clear. I have read them. They state that all Canadian carriers are to ensure that all passengers sitting by a window — emergency exit — be appropriately informed of the procedure to open the door in case of emergency. They state further that flight attendants are to give the on-board safety briefing in French and in English. Air Canada misinterpreted the directions.

Could the honourable minister tell this house what the government intends to do to correct the situation and make it clear to Air Canada that all Canadians, regardless of their official language, are entitled to equal, unbiased treatment by Air Canada?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Honourable Senator Gauthier raises an extremely important question that goes to the root of official languages in this country. I wish to inform him that Minister Dion's office has been in direct contact with Air Canada, which has informed the minister's office that they will change the directive and that a copy of the new directive will be provided shortly.

## TRANSPORT

### AIR CARRIERS—CAPTIONING OF SAFETY AND SECURITY INSTRUCTIONS ON MONITORS

**Hon. Jean-Robert Gauthier:** Honourable senators, could the minister, in her discussions with her colleagues in cabinet and with Air Canada, if she so desires, ask them to please caption safety and security instructions on their TV monitors, both in airport lounges and on airplanes? Hearing impaired Canadians, who account for 10 per cent of our population, will then be able to read on those monitors what they cannot hear. The instructions would be in both official languages, thereby solving their communications problem. The technology exists, by the way. It is in use in Europe widely. Why not innovate and do it here in Canada at Air Canada or ask all our air carriers to put safety and security instructions on their monitors? That would seem to be a reasonable request.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his very positive suggestion. I can assure him that I will raise it with my colleagues because it is a service that could be readily made available and would serve those passengers who do not have the ability to hear very well.

[Translation]

## OFFICIAL LANGUAGES

### AIR CANADA—DIRECTIVE ON PROVISION OF BILINGUAL SERVICES

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I have tried to obtain Air Canada's procedures manual to better understand this situation. I was told by Air Canada that this was a housekeeping document that was not for release.

However, I have learned that Minister Dion received a copy of the document in question. Could the Leader of the Government in the Senate ask the minister to confirm whether he has received a copy of the document? If he has, could this document be made

available to the Official Languages Committee so that we can examine it?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I can make that request of the honourable minister, but I think it would be better if the Official Languages Committee made it. I think he would make the manual readily available. If the committee decides not to make the request, I would certainly follow up and try to make it. It is important to see if there are other anomalies like this one, which have been clearly identified.

## SECURITY INTELLIGENCE REVIEW COMMITTEE

### VACANCIES

**Hon. Michael A. Meighen:** Honourable senators, my question is to the Leader of the Government in the Senate. Today, *The Ottawa Citizen* pointed out that the Security Intelligence Review Committee, or SIRC, has been operating since early this year with only three members instead of the usual five. As honourable senators are well aware, this body oversees the Canadian Security Intelligence Service, whose workload has increased enormously since the events of 9/11. Needless to say, while its workload may have increased, its workforce has not.

This lackadaisical approach by the government to filling vacant positions seems symptomatic of a government that pays little heed to questions of security in general, as demonstrated most strikingly by its continuing refusal to adequately fund our military.

When will these vacancies be filled? When will we have a full complement of SIRC members overseeing one the most vital agencies in the fight against terror?

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator knows, there have been a couple of vacancies because the former Premier of the Province of New Brunswick, Frank McKenna, and the former Premier of the Province of Ontario, Bob Rae, both resigned. However, there are three excellent members on the board, one of whom is Gary Filmon, former Premier of Manitoba, and another one is Mr. Ray Speaker.

The activities of the committee are continuing. There has been no disruption in the ability of those members to make the decisions that are required to be made. Meanwhile, the government seeks to have other excellent Canadians fill those positions.

**Senator Meighen:** Honourable senators, would the Leader of the Government in the Senate tell us whether the government is waiting until the ethics package is passed through Parliament so that no longer will we be limited by section 14 of the Parliament of Canada Act, in which case honourable senators in this chamber might be eligible?

**Senator Carstairs:** No. One has absolutely nothing to do with the other. It is important that the individuals who serve on SIRC — who must be sworn in as Privy Councillors, if they are not already Privy Councillors, in order to do this work, because it is top secret — not come from either this chamber or the other chamber but from other walks of life.

#### REQUIREMENT TO APPOINT MEMBERS OF COMMITTEE TO PRIVY COUNCIL

**Hon. Marcel Prud'homme:** Honourable senators, on a supplementary question, I remember that I was the one who seconded the motion by Senator Kelly to study the security services of this country. His committee did fabulous work.

One thing that struck me when I attended some of the meetings, because I was not a member, was that we are obliged by law to appoint SIRC members as members of the Privy Council. I asked the members of the committee why they were also members of the Privy Council. They gave the same answer that the honourable senator has just given to Parliament: SIRC members deal with top secret issues. I then asked who prepared all the documents for the members of the committee, who are also members of the Privy Council who sit at the very top of the echelon. A number of SIRC staff members raised their hands to say that they were responsible. It turned out that none of them were members of the Privy Council. They said that they were obliged to maintain secrecy at the swearing-in ceremony when they accepted their jobs, but not as members of the Privy Council.

Why it is necessary to appoint these fine men and women as members of the Privy Council, given the sensitivity of their job, when the staffers who prepare all the files that are given to the committee members are not members of the Privy Council?

• (1440)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the simple answer is that they do not make the ultimate decision. They prepare information, but it is the members who sit on the committee who make the final decision. The kinds of decisions that they have to make are of the utmost importance to the Government of Canada.

#### THE SENATE

##### RATIFICATION OF KYOTO PROTOCOL—SCHEDULE

**Hon. Douglas Roche:** Honourable senators, my question is directed to the Leader of the Government in the Senate and concerns the Kyoto Protocol. It is well known that the Prime Minister has been quoted as saying that he wants the Kyoto Protocol ratified by the Canadian Parliament before Christmas. One assumes that includes passage through the Senate. Thus, my question is: When will the Kyoto Protocol have to come before the Senate and receive the proper treatment, including committee hearings and investigation by senators, in order to be put to a final vote before the Christmas break?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Senate will certainly be part of the ratification process. This is an international treaty and the Senate and the House of Commons will have time to debate this matter before we rise at Christmas. However, we may not send it to a specific committee. We may choose, instead, to use the Committee of the Whole to conduct that examination in this chamber, thus allowing the greatest number of senators to actively participate.

**Senator Roche:** Honourable senators, recognizing that the Leader of the Government in the Senate cannot control the time at which the Kyoto Protocol leaves the House of Commons, there is, however, a suggestion in the honourable senator's answer

to my first question that the time period might be so truncated that we would have to convene a special committee or a Committee of the Whole and, thus, there may not be sufficient time for the proper number of witnesses to be heard.

In that case, would the Leader of the Government in the Senate ensure that senators are given some prior knowledge of the government's plan for the implementation of the Kyoto Protocol? In that way, honourable senators would not feel jammed into a two-day or a three-day effort in the Senate, immediately before Christmas, in order to consider an issue of obvious transcending importance to our country.

**Senator Carstairs:** Honourable senators, allow me to make it clear that the motion will be introduced in both Houses at exactly the same time. It will not go from the House of Commons to the Senate. It will be introduced in both chambers on the same day. The potential truncation that the honourable senator talked about will not necessarily happen.

The government's plan, as the honourable senator knows, was released to the ministries of the various provincial departments and to senators and members of the House of Commons. That plan is still a work in progress at the ministerial level of the provinces, the territories and the federal government. Meetings will be held on Thursday, November 7, and Thursday, November 21. It is hoped that, at that point, the program will be finalized, and I expect that we will have our resolution soon after that.

#### THE ENVIRONMENT

##### RATIFICATION OF KYOTO PROTOCOL— STATUS AS INTERNATIONAL TREATY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, as a supplementary question, could the minister advise us of the nature of the Kyoto Protocol? Is it an agreement pursuant to international treaty law? If so, what is the view of the Government of Canada in respect of provincial participation prior to Canada ratifying an international treaty that affects provincial jurisdiction?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. It is the view of the Government of Canada that this is an international treaty that requires action by the federal government. However, the government is cognizant of the fact that it is important that the provinces participate. That is why, over the last five years, so many meetings have taken place with respect to this particular issue of climate change.

**Senator Kinsella:** Honourable senators, could the Leader of the Government in the Senate advise the house as to whether this is a change in policy relating to the ratification by the federal authority of international treaties that affect provincial responsibilities — a constitutional convention that has existed in Canada since the decision of the Privy Council in the famous *Labour* case in the 1930s.

**Senator Carstairs:** Honourable senators, there has been no change, to my knowledge. As the honourable senator is well aware, the Government of Canada has signed a number of treaties on behalf of the people of Canada. That is how they will proceed with respect to the Kyoto Protocol.



**Senator Kinsella:** Honourable senators, is it not true that the Government of Canada cannot ratify an international treaty if part of the treaty involves a provincial jurisdiction? The constitutional decision of the early 1980s reaffirmed the existence of this constitutional principle and, that being the case, a significant number of provinces would have to consent to the ratification. Is this a change in the view of the Government of Canada? Does it believe that it does not need provincial consent or substantial provincial consent before entering into an international treaty that has obligations on Canada in areas under provincial jurisdiction?

**Senator Carstairs:** Honourable senators, it is not the view that there are obligations in that sense, but it is the view that it is within the federal authority to make such a signatory possible.

#### PROCESS FOR RATIFICATION OF KYOTO PROTOCOL

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I want to clear up what Parliament will be asked to do. Will we be asked to actually ratify the treaty itself or to approve enabling legislation that will allow the treaty to come into effect? I do not recall treaties coming before Parliament. The NAFTA never came before Parliament, but the enabling legislation to implement the NAFTA did come before Parliament. The Leader of the Government in the Senate may want to clarify the process of what will come before Parliament so that we are on the same wavelength.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the enabling legislation will come to us in the future. It will not be the enabling legislation that we will discuss in both chambers prior to the government's ratification of the Kyoto Protocol. The Prime Minister has made it clear, however, that he wants input from the Senate and from the House of Commons. The enabling legislation will come later — probably in the late spring.

**Hon. Gerald J. Comeau:** Honourable senators, I am trying to wrap my mind around the mechanics of this treaty. The Leader of the Government in the Senate may have just mentioned a word that I had not picked up before in these discussions. She said that the Prime Minister wants "input," but I believe that some of us assumed that we would be voting on this treaty. If I am wrong, the honourable senator may correct me, but, if we are to vote on the treaty, would the treaty be amendable? If it is amendable, what might happen if the Senate does not propose amendments to the treaty at the same time as the House of Commons might propose amendments? What would happen if two amendments were required to cross over to each House? Would we again run into timing problems? Could the honourable leader provide a few more ideas on the mechanics of this process?

**Senator Carstairs:** I thank the Honourable Senator Comeau for his question, and I will certainly try to do that. It is the desire of the government to introduce a motion in the Senate and in the House of Commons. That motion will support the principles of the Kyoto Protocol, which is an international treaty. However, as I indicated to Senator Lynch-Staunton, the specific legislation that would bring into force and effect some of the provisions would have to be done by way of a bill, which we will probably see later in the year 2003.

**Senator Comeau:** Honourable senators, the second part of my question was: Will the motion be amendable? Are there means by which the Senate or the other place may propose amendments to the motion? If so, what would happen if two amended motions, one originating in each house, were to cross from one house to the other house?

• (1450)

**Senator Carstairs:** Honourable senators, every motion is amendable. You cannot prevent that process. However, we should bear in mind that we are voting on the principles and not on the enabling legislation. It would be my hope that the motion would pass in both chambers in identical form.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Hon. Senators, I have the honour to table a delayed answer to a question raised in the Senate, on October 8, 2002, by Senator Spivak, regarding the cost of consultations on climate change.

#### THE ENVIRONMENT

##### COST TO GOVERNMENT OF CONSULTATIONS ON CLIMATE CHANGE

*(Response to question raised by Hon. Mira Spivak on October 8, 2002).*

There has indeed been a great deal of effort expended on climate change consultations since 1992.

For the 1992-97 period, efforts on climate change were spread across a number of departments. Issues such as air quality were often dealt with in parallel with climate change. As a result, it is not possible to break out specific resource numbers for this period. However, examples of the initiatives at that time include:

**National Climate Change Task Group** - a federal/provincial/territorial, industry, ENGO group which looked at sectoral and cross-cutting issues. It consulted with stakeholders and developed a general report with recommendations. In 1994-95 they took the report out for public consultation across Canada. A summary report was then prepared and all of this work plus input from ongoing federal-provincial meetings fed into the 1995 Canada's National Action Program on Climate Change.

**Federal-provincial consultations** - There was ongoing federal-provincial consultation through the National Air Issues Coordinating Committee. Meetings were held every three months or so with conference calls in between. Starting in 1993, there were joint meetings of energy and environment ministers held annually, totaling five from 1993 to the end of 1997.

In 1998, at the direction of First Ministers, environment and energy ministers established the **National Climate Change Process (NCCP)** to build an inclusive and collaborative response to climate change and to examine impacts, costs and benefits of implementing the Kyoto Protocol. Managed jointly by federal, provincial and territorial governments, this ongoing national process involves all levels of government, industry, environmental groups, communities, individuals and other stakeholders.

Consultation has been integral to the NCCP. The following provide examples of some of the major initiatives undertaken since 1998 as part of climate change consultations, with estimated expenditures provided in the table below.

The **National Climate Change Secretariat** was established to support the NCCP and the associated federal/provincial/territorial steering and decision-making bodies. Formal consultation mechanisms managed by the Secretariat include: the **National Air Issues Coordinating Committee — Climate Change (NAICC-CC)**; the deputy minister level **National Air Issues Steering Committee (NAISC)**; and the **Joint Ministers Meetings (JMM)** — a committee of federal/provincial/territorial environment and energy ministers. Ongoing industry and environmental stakeholder involvement is facilitated through the **Integrative Group (IG)**. From early 1998 to October 18, 2002, ongoing consultation has taken place through numerous formal meetings and conference calls: NAICC-CC has convened 34 times, NAISC has convened 10 times, JMM has convened 9 times, and the IG has convened 20 times.

The NCCP has aimed to be as transparent and inclusive as possible, and stakeholder involvement has been extensive. In early 1998, a comprehensive consultation process was initiated with over 450 experts from industry, academia, non-governmental organizations, municipalities, and federal, provincial and territorial governments. Sixteen **Issue Tables/Working Groups**, established to look at key economic sectors and cross-cutting strategies, worked for over two years to provide options for how to respond to climate change.

In Spring of 2000, a series of **cross-country consultations** was held under the auspices of the NCCP in every province and territory. The purpose of these sessions was to build upon the options put forward by the **Issues Tables/Working Groups** and to seek input on the proposed objectives and actions for the **First National Climate Change Business Plan**. Close to 400 stakeholders participated in these sessions.

More recently, in June 2002, federal, provincial and territorial governments hosted **national stakeholder workshops** in 14 cities across Canada to discuss options raised in the federal *Discussion Paper on Canada's Contribution to Addressing Climate Change* and to receive input for the development of a workable plan for Canada to meet its international climate change commitments. Over 600 people participated in these workshops, representing business and industry interests, environmental groups, municipalities, academia, health and other organizations, as well as federal, provincial and territorial governments.

Written submissions on the *Discussion Paper* from stakeholders and the public were also encouraged. National consultations have also taken place on **domestic emissions trading**, conducted by the **National Round Table on Environment and Economy**.

In addition to consultations done under the NCCP, the federal government has made ongoing efforts to consult with provinces, territories and stakeholders through bilateral meetings, interest group sessions, and focus groups.

**Estimated expenditures on major initiatives undertaken since 1998 as part of climate change consultations**

Activity	Timing	\$M
National Climate Change Secretariat - f/p/t coordination and consultations	1998-ongoing	6.07
Issue Tables - 16 working groups established as part of the NCCP	1998 - 2000	13.93
Cross-country consultations conducted under the NCCP	2000	0.40
National stakeholder workshops	2002	0.65
National consultations on Domestic Emissions Trading (conducted by National Round Table on Environment and Economy)	2002	1.25
<b>Total</b>	<b>1998-2002</b>	<b>22.3</b>

[English]

## ORDERS OF THE DAY

### CRIMINAL CODE FIREARMS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.



**Hon. Gerald J. Comeau:** Honourable senators, while listening to the speeches on Bill C-10, which deals with cruelty to animals and firearms, I was reminded of the debate on Bill C-68 which dealt with gun registration. I had a feeling of déjà vu. I will not pretend to be an expert on this bill, but Senator Jaffer's comments raised a red flag in my mind, particularly when she repeated arguments that were raised during the debate on Bill C-68. For that and other reasons, I will be following the debate very closely.

Senator Jaffer, the sponsor of this bill referred to public opinion polls which show that 76 per cent of Canadians support the National Firearms Registry. This would probably reflect the urban-rural divide on the question of gun registration in Canada, which was so evident during the debate on Bill C-68. I am not a strong fan of formulating public policy based on polls. However, I suppose it is an easy approach.

There is no doubt that Canadian urban majorities have the political numbers to impose whatever measures they want on rural and northern communities. There is little doubt that urban parliamentarians are prepared, once again, to impose urban values and solutions without consideration of the consequences on rural and northern communities. I suppose this is a fact of life in a democracy: the majority can do whatever it wants, and minority opinions and concerns can be disregarded or dismissed.

The Mayor of Toronto, never at a loss for words, eloquently summed up the urban crime solution yesterday when he called for a total ban on guns. This should probably be sufficient to make him the poster boy of the gun confiscation lobby. Yet, the good Mayor of Toronto and his followers do not seem to comprehend the reality that the recent crime spree in Toronto is not a rampage by law-abiding citizens. He does not realize that vast sums of money and police resources are diverted and have been diverted to registering rifles rather than controlling illegal guns being smuggled by criminal elements into our country, even in the mail. He can be sure that these smuggled guns will not be registered.

I am somewhat puzzled by the two entirely different subject matters of the bill: firearms and cruelty to animals. Why did the government choose to join two completely unrelated subjects? If the bill's intention was to stop cruelty to animals with guns, it would make sense, but that is not, apparently, the case.

The difficulty with mixing unrelated subjects is that one might be in favour of part of the legislation but against an unrelated part. For example, one could well be in favour of protection against cruelty to animals, but against the firearms provisions. What would one then do? Would one hold one's nose and vote in favour of the package, or simply vote against the whole package?

This reminds me of the American custom of tagging unrelated spending measures to bills. Is this a custom that we will now adopt in Canada?

I am not sure that the government has made out a valid case for the creation of a new Governor in Council appointed position which would add further to the already out-of-control costs of the firearms registration endeavours. We will soon need a scorecard

to keep tabs on all the senior gun registration positions: Canadian firearms commissioner, registrar of firearms and chief firearms officer. Why not add a few more Governor in Council appointments, and we will really see the cost grow?

I am also puzzled by the definition of "animal" in the bill, which is as follows:

... "animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

I hope the committee will take a very close look at this definition and that Senator Nolin will enlighten us. I hear he has some ideas related to this issue. Why not simply say, "any being that has the capacity to feel pain"? It is very simple.

I understand there was a strong and articulate lobby to bring the cruelty provisions forward. Like public opinion polls, we have to accept that lobbies are a part of our political life. However, we have a duty to go beyond the polls and lobbies. We have an obligation to listen to concerns such as those expressed by Senator Watt last week.

It appears to me that the drafters of this bill did not adequately consult and are unfamiliar with the reality faced by the residents of our northern communities. It is quite evident that the government has learned absolutely nothing since the passage of Bill C-68. Once again, like Bill C-68, the urban majority flexes its parliamentary might to impose urban values and solutions on people in regions which they know absolutely nothing about, resulting in further divisions within our country.

When will the government learn that our rural, coastal and northern communities are different from downtown Toronto, Montreal and Vancouver? Government can impose its might on rural and northern communities but, over the long term, there is a price to be paid when the majorities beat up on minorities, and that price is resentment, anger and division.

My suggestion would be for the government to deep-six this legislation and call on the parliamentary committee to start from scratch. The committee should be comprised of members from rural as well as urban communities. This would be a marvellous opportunity for the new democracy being proposed in the other place to be brought forward. This is a good time to start having committees go to our rural and northern communities to meet with the people who will be impacted by this type of legislation.

**The Hon. the Speaker:** Will you permit a question, Senator Comeau?

**Senator Comeau:** Yes.

**Hon. Gerry St. Germain:** Honourable senators, in the Speech from the Throne, it was mentioned many times that the government's intention was to do certain things to improve the plight of our Aboriginal peoples. I believe that was mentioned three times in that speech.

Those of us who travelled to the Mackenzie Delta, to Iqaluit and to various other places during the debates on Bill C-68, know that the government was told emphatically, time after time, that this would be regressive legislation and detrimental to the well-being of our Aboriginal peoples. What did the government do in response to that? It totally ignored that advice. I am not certain whether anyone hunting on the tundra or elsewhere would be in violation of these proposed sections of the Criminal Code and the Firearms Act.

Does the honourable senator believe there is any hope of making any changes to the legislation through this ridiculous process?

**Senator Comeau:** Honourable senators, I thank Senator St. Germain for the question. I always have hope. I never give up.

Over the last number of years, one of the great advantages of having served on the Fisheries and Oceans Committee is that I have had the opportunity to travel to the North. I have had the opportunity to travel with Senator Watt and Senator Adams. They have shown me what life is like in the North. I will not pretend to be as knowledgeable as I should be, but I have travelled on many occasions up to those areas. I have learned to respect the opinion of people who live next to the land and who depend on the resources of the land for their way of living. It is a way of life.

• (1500)

I cannot understand why, when the government brings forward a bill such as this, it does not actually go out to those communities and consult with people on the land to learn what people think about the bill. At the end of the day, we would have much better legislation. We would not have to rely on taking polls that reflect this divide between the urban communities that impose their majority will and rural communities. As I said earlier, it aggravates the existing divisions and makes them worse.

We cannot always depend on the Mel Lastmans of the world to guide our legislation. We have to depend on people who are impacted by what we bring forward. If there are questions and concerns about this bill, let us go see these people. Let us not rush this legislation. We did not do it right with Bill C-68, and we should have learned a lesson then. Let us get this one right.

**Hon. Willie Adams:** Honourable senators, I wish to ask the Honourable Senator Comeau a question.

We made a trip this summer from Resolute to Copper Mine. We went with the department members who were with us on the icebreaker. The honourable senator spoke on the boat for about half an hour, responding to questions, and was there not some discussion about "what we do as senators here in Ottawa?"

**Senator Comeau:** We did have quite a number of conversations when we were in the North. The conversations were great. I found out how people make their living in the North and how much they appreciate being in the North.

I will be making a full report on our summer trip, so I will not provide all the information now. I want to keep some for a later date.

[ Senator St. Germain ]

**Hon. Tommy Banks:** Honourable senators, I received what, I am sure, is good advice when I first came here, which is never ask a question to which you do not know the answer, and I am about to break that advice, with apologies.

I am one of those city boys, Senator Comeau. If I understood him correctly, I believe I heard the honourable senator agree with Senator St. Germain when he suggested that there are aspects of the present bill that would mean that anyone hunting in the North would be breaking, perforce, the law. Would the honourable senator, for my information, tell me what part of the bill would cause that to happen?

**Senator Comeau:** Honourable senators, as I understood Senator St. Germain, I believe he was referring to Bill C-68. If I understand correctly, under Bill C-10, the current bill, guns are to be put away at all times.

Senator St. Germain might have been referring as well to Bill C-68 when he was talking. I believe, at that point in our rhetoric, we were referring to a combination of Bill C-68 and Bill C-10.

On motion of Senator Sparrow, debate adjourned.

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(5th day of resuming debate).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I am pleased to rise to participate in the debate on the motion for an address in reply to the Speech from the Throne, which was delivered in the Senate chamber by her Excellency the Governor General of Canada with dignity and grace. I, too, wish to congratulate the mover and seconder who spoke so eloquently, notwithstanding the dearth or paucity of this government's policy contained in the speech.

Honourable senators, Canadians took note of the special circumstances surrounding the timing of the Speech from the Throne, circumstances that include the historic presence in Canada of Her Majesty Queen Elizabeth II. Canadians were enthusiastic and warm in the welcome they extended to the Queen and Prince Philip.

Canadians celebrated the Golden Jubilee of the Coronation, notwithstanding the embarrassing statements by the Deputy Prime Minister. I trust, honourable senators, that his views on the Crown did not influence the planning of the royal visit by this government, which failed to have Her Majesty, as Queen of Canada, read the Speech from the Throne as she did on her twenty-fifth anniversary of coronation.



I remind honourable senators that the Crown is the constitutional third part of Parliament, in addition to the House of Commons and the Senate.

Honourable senators, my colleague, the Leader of the Opposition in the Senate, raised the question of the place of the Crown in Canada and reminded us that a debate on the monarchy in no way needs to be interpreted as a slight of the current monarch who has served Canada and the Commonwealth with such fortitude, wisdom and sense of duty for the past 50 years.

I believe that Canadians would like to see the Crown in Canada evolve in a natural yet prudent fashion. Such an evolution would maintain the historical foundation of our Canadian system of governance, a Westminster model of parliamentary democracy that has served our country well since 1867.

Indeed, where in the world is there a system of governance that has yielded for 135 years the level of freedom that Canada has enjoyed? I submit that there is something right with the Canadian model of parliamentary democracy.

I wish to propose that we allow the Crown in Canada to evolve in a natural and prudent manner. I ask: Is it not possible for us to find the model for historical progression that would preserve the values of the Crown? I believe that we can. I believe that we should. I believe that we will.

I wonder if part of the solution might be sought by a shift in the paradigm from that which our friends in Australia used. I wonder that if by thinking "outside the box," to use a phrase of my students, we might find a creative classical solution in the Canadian tradition.

Why should we allow ourselves to be constrained in our evolution by the limits of vocabulary, terminology or thought categories of others, from other places and from other times? Rather, would it not be better for us to determine our own approach based on what works for Canada? Let us allow the "labelling" of our system to come later. To put it another way, in looking at the question of the monarchy in Canada, do we have to throw out the baby with the bath water?

My response to these questions is that we do not need to reject our past, nor to abandon the reality of the history and pioneering work of those who have gone before us in our privileged land, from the First Nations through the era commencing with Samuel de Champlain, through the line of British governorships starting with James Murray, through representative government, the governorship of Viscount Monck and onward through Confederation until today.

Honourable senators, we can continue to grow and evolve the Canadian Crown in a uniquely Canadian fashion. We can provide for the natural convergence of 21st century expectations and heretofore traditional values that have shaped and sustained us in the practice of freedom. As we grow our Crown, we can maintain the many solid institutions, such as the Royal Canadian Mounted Police and the Royal Canadian Mint, which have helped to identify this country. We are capable of changing the definition of institutions to match the reality of their role in contemporary Canadian society.

Honourable senators, I should like to reflect on some considerations that might help to shape a proposal.

First, let us give thought to defining the Crown in Canada as the symbol of the people. The Crown and the right of the various jurisdictions would continue the multiplicity of crowns within the Canadian Confederation.

Second, let us consider a declaration that the Governor General and the lieutenant governors continue to be the representatives of the Crown in the given jurisdictions and that they continue to serve as head of state or province, as the case may be.

Third, let us look at conferring on the Governor General and the lieutenant-governors all of the prerogatives, functions and authority belonging presently to the sovereign in respect to Canada and its jurisdictions.

• (1510)

Fourth, let us provide for election of the Governor General and lieutenant-governors through the indirect method as is done, for example, under the Italian Constitution for its head of state, who, by the way, is also defined as a symbol of the people of Italy. This type of election has the advantage of preserving the principle of the primacy of Parliament pursuant to the Canadian model of the Westminster system of Parliament subject to the Canadian Constitution.

Fifth, let us maintain the recognition of the Queen, her heirs and successors, as the Head of the Commonwealth.

Honourable senators, the Crown, defined as the symbol of the people of Canada, and the office of the Governor General being a representative of the Crown in the right of Canada and a lieutenant-governor being the representative of the Crown in the right of the given province, continues our system of constitutional monarchy without the need for a monarch. Canada is headed by the Governor General federally and by lieutenant-governors provincially, all of whom act according to the Constitution. The Governor General and lieutenant-governors perform only a small number of public acts without the sanction of his or her ministers.

The Crown is a symbol of the people. In Canada, honourable senators, the Crown would continue to play an important part in the life of the nation. Is it not beneficial to maintain the embodiment of the Canadian Confederation through this Crown, which is represented in Parliament for some purposes by the Governor General and in provincial legislatures by the lieutenant-governors for other purposes?

The Crown is uniquely multiple within the Canadian Confederation. Is not Canada, as a confederation, a system of compound Crowns, that is, the Crown in the right of Canada and the Crown in the right of the provinces? I would argue that the Crown must be permitted to continue to be the symbol and reality of the unity of the people of Canada and also of the diversity of the Canadian Confederation.

The Canadian Crown plays a role as an organizing principle of government. The Crown joins together the component parts of the state: the legislative, as represented by Parliament and the legislatures; the executive, represented by federal and provincial cabinets, governments and public service; and the judicial, represented by federal and provincial courts, the Crown prosecutors, et cetera.

Honourable senators, the Crown as the symbol of the people would continue to be linked federally and provincially.

Given the rich history and the importance of the office of Governor General and of the pre-Confederation governors, would it not be both wise and prudent to allow this office to evolve in a natural way? The office of governors and Governors General in Canada has a remarkable history and one that speaks directly to the development of Canada. The first governor in these lands was Samuel de Champlain, who served from 1612 to 1635. His governorship started the French regime, which ended with the Marquis de Vaudreuil in 1760.

The second phase of governors was the British regime, which dates from James Murray in 1764 to Viscount Monck, who was governor at the time of Confederation.

The post-Confederation phase dates from 1867, with Viscount Monck moving from his position as governor to continuing as Canada's first Governor General. This office is marked by such distinguished foreign-born personalities as the Earl of Dufferin, the Duke of Devonshire and Lord Byng of Vimy.

As honourable senators recall, it was in 1952 that the Canadian citizen phase of Governors General began with the Right Honourable Vincent Massey.

Just as the office of the Governor General has evolved with the country, so must the Crown itself.

Honourable senators, I believe that we could consider having our 21st century governors elected. The election of the Governor General and the lieutenant-governors could be conducted in a number of different ways. One, however, would want to ask which method of election would be most appropriate for the Canadian parliamentary system of governance. The experience of other parliamentary systems might prove instructive. A common approach is to have the election occur in the Parliament or legislature, thus an indirect election. Within an evolved Canadian context, one might envisage a joint session of the House of Commons and the Senate electing the Governor General and the lieutenant-governors being elected by their respective legislative assemblies. One might also wish to maintain a role for the Prime Minister in the nomination process. I would think that a term of office should be at least seven years.

Pursuant to the Constitution of Italy, the president, who is defined as the symbol of the people of Italy, is elected to a term of seven years in a joint session of the two houses of the Italian Parliament.

The powers vested in the monarch have been exercised by the Governor General and lieutenant-governors across Canada. Would it not therefore be a proposition of the current-day reality in Canada to formally have such powers vested in the Governor General and lieutenant-governors, who in turn represent the Crown, the symbol of the people? The Governor General or lieutenant-governors, as representative of the Crown, would continue to be the focal point of the supreme executive power of the state. This power in Canada is placed above and outside the governmental structure and political parties of the day. Power would continue to be given to governments temporarily and in trust by the Governor General or lieutenant-governors, who are representative of the Crown and symbol of the people. According to MacKinnon, in *The Crown in Canada*:

Thus one institution (the government) does not possess power but exercises it; while the other institution (the Crown as represented by the Governor General (Lieutenant-Governor) possesses power but does not exercise it.

By continuing the Canadian office of Governor General, we would continue our very successful system of governance, wherein — according to Monet in *The Canadian Crown* — “the power of the state is held in a non-partisan office above the conflicts and divisions of the political process.”

Honourable senators, is it not preferable to maintain executive power where it has been located successfully in the Canadian Confederation — that is, executive power is located in practice, if not in theory, within the federal or provincial cabinet? The Governor General and the lieutenant-governors would act on the advice of the cabinet. In matters of legislation, the Crown's representative would continue to act only on the advice and consent of the legislators.

Pursuant to the successful Canadian system of governance, I believe that it would be wise for Canada to continue with the head of state acting within a non-executive parliamentary model; in other words, the Governor General should continue to serve as head of the Canadian state. I also believe that the Governor General as the representative of the evolved Canadian Crown in the right of Canada should continue to serve as the commander-in-chief.

In sum, the tradition of the representative of the Crown continuing to exercise the power of the current Crown would be best continued. It is well to note that the role of the representative of the Crown in the exercise of his or her duties and responsibilities is “to serve but not to govern.”

I submit also that the preferential option is to allow the Crown to evolve in Canada and to do so in a manner that is consistent with the successful Canadian parliamentary model of governance.

The long tradition of the relation of the Crown with Parliament has yielded principles of parliamentary governance, which surely must be maintained as we evolve the Crown in Canada.



The rich history from the Magna Carta of 1215, the Bill of Rights of 1689 and the basis of parliamentary monarchy, the Convention Parliament of 1689 which broke with the doctrine of perpetuity by which the sovereign never dies, declared the Throne to be vacant. These early historical instruments, together with the Act of Settlement in 1701, established the principle that the Monarch owed his or her position not only to hereditary right but also to the consent of Parliament. From the time of the glorious revolution, the sovereign rules only through the consent of Parliament.

• (1520)

The preserving revolution of the 17th century established the principle of the supremacy of Parliament. The Crown, honourable senators, is subject to limitations by Parliament. Indeed, in the words of our friend often cited in this house, Erskine May, at page 10.

The right of succession and the prerogatives of the Crown itself are, however, subject to limitations and change by legislative process with the consent and authority of the sovereign;...

The Royal Prerogative, honourable senators, should also be maintained by the Crown in the provinces as well as federally.

It has been noted that one of the most distinctive features of the Canadian federalism has been the Royal Prerogative in all of its parts. Had the provinces only had legislative authority over certain matters in section 92 of the Constitution Act, but not Royal Prerogative in these same areas, their ability to develop social policies that involved extensive administrative regulation would have been severely hampered.

So, honourable senators, the Senate may serve the interest of all Canadians by engaging in a wholesome debate on the evolution of the Crown in Canada, and, indeed, we might at some juncture conclude that a constitutional resolution relating thereto ought to be introduced.

**The Hon. the Speaker *pro tempore*:** I regret to inform Senator Kinsella that his time for speaking has expired. Is leave granted for the honourable senator to continue?

**Hon. Senators:** Agreed.

**Senator Kinsella:** Might I invite the unanimous consent of the house that the Speaker not have to rise every time to intervene, given the circumstances.

**Hon. Senators:** Hear, hear!

**Hon. Nicholas W. Taylor:** I wish to compliment the honourable senator on a most original and interesting alternative to the methods we are now using. It raises two questions in my mind.

The honourable senator referred to the Italian system. How does the nomination come about? In other words, would it be possible for someone to nominate the Queen of England?

My second question relates to the pronunciation of the word "lieutenant." I notice that the honourable senator uses the American pronunciation, as opposed to the British pronunciation. Has the honourable senator "republicanized" the Constitution already, in that he uses that pronunciation?

**Senator Kinsella:** I thank the honourable senator for both questions.

In terms of the first question, it is my view, and I think I have mentioned this, that perhaps we would want to consider maintaining a role for the Prime Minister in the nomination process.

By the way, honourable senators, I would also keep a role for the Prime Minister in nominating chairs of committees in both Houses of Parliament.

**Senator Rompkey:** They needed you an hour ago!

**Senator Kinsella:** Not having a franchise in the other place, I could not be of any help.

We are a unique Parliament, one that is based on the party system. Our system has worked for 135 years, and I want to keep it. The proof of a better system is on those who are advocating some theoretical other system. I believe that you cannot find anywhere in the world the success of freedom at the level we have enjoyed in Canada for a continuous 135 years.

As to the honourable senator's second point, the pronunciation of the word "lieutenant," it allows me to make the point that our thought processes, sometimes expressed in language, are shaped by the environment. We live beside a huge republic to the south. People from the Maritimes often refer to the New England states as the Boston states, because of the close relationship between the two. It is, therefore, not surprising that much of the diction and pronunciation of English words in the Maritimes is influenced by the language of the republic to the south of us, in particular the Boston states area, just as our intellectual conceptualizations are influenced. Hence, the republican model and the thought process that goes with that have a tremendous impact on the way we think in Canada.

It is for that reason, honourable senators, that I have argued that we should not let our system meet the definition of others. Let us break that paradigm. Let us do it our way, and then let others define or label us after we do it our way.

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, I listened carefully to the comments made by Senator Kinsella, and I thank him. He gave us a good lesson in history. Last week I met with some twenty or so Canadians who were being honoured for the excellence of their contributions to the country. I presented to them a medal commemorating the Queen's golden jubilee. They were all very appreciative.

Is Senator Kinsella aware of the importance of the monarchy and the value that middle-class Canadians place on the monarchy?

The year 2008 will mark the 400th anniversary of the monarchy in Canada. In 1608, when the country was founded by Samuel de Champlain, the sovereign was Henry IV. Many people forget this part of our history, but Francophones have a good institutional memory, and their ancestry makes them very aware of these things.

Does Senator Kinsella remember this period? Has he studied this issue of the French and English monarchy? Today, the Parliament of Canada is made up of the House of Commons, the Senate and the monarchy.

I want to congratulate and thank Senator Kinsella on his comments.

[English]

**Senator Kinsella:** Let me thank the honourable senator for his question. Indeed, I agree with him, which is why I wanted to point out that our system of governorships did not begin in 1867. We have a long history of governorships. We had governorships during the British era. We had governorships that started with Samuel de Champlain, ending with Vaudreuil. It evolved, as Senator Gauthier has pointed out, through the French monarchical system and the British monarchical system, from 1867, with all the modifications that Parliaments have placed on the role of the monarch. We have been fortunate to have, since 1952, very successful Governor Generalships and very successful lieutenant governors across Canada.

• (1530)

Senator Gauthier raises important points about the charitable work or civil society work of the Queen's representative in each province. Reaching out to citizens' groups through various programs is an important part of the function and contribution of the Crown in Canada, which I submit should continue by letting it evolve in a natural way under our parliamentary system.

**Hon. Gerald J. Comeau:** Honourable senators, in listening to the presentation of the Honourable Senator Kinsella, I believe I heard him say that the first governor in Canada was appointed in 1608. I recollect that there might have been a governor four years earlier in what was then Acadia. I am not a historian, but was Pierre de Monts governor at that time?

**Senator Kinsella:** Honourable senators, there certainly was a Governor de Monts. The tenure of Samuel de Champlain was 1612 to 1635.

**Senator Taylor:** Honourable senators, I should like to continue debate on the Speech from the Throne. I will try to be brief and leave time for questions because, after all, I raised the issue the other day that it is incumbent upon the Speaker to leave time for questions.

I want to congratulate the mover and seconder of the Speech from the Throne. My presentation will not be as scholarly regarding the Governor General as that of the honourable

member opposite, which I found very interesting. I will concentrate on the Kyoto part of the Throne Speech, coming as I do from Alberta and the oil and gas business and being an engineer and geologist by training.

I have been very much in favour of the Kyoto Protocol for some time. I am disappointed that it has taken this long to progress to where we are discussing it in Parliament. In 1992, it was telegraphed from the Rio de Janeiro hearings of the United Nations that we would cut our greenhouse gas emissions. Since 1992, some groups in Canada — even the city of Calgary, in the middle of the so-called anti-Kyoto area — are halfway to their Kyoto targets already. In other words, they have done it on their own, without the big fuss we have on the national scene now. They went ahead, expecting that Kyoto would be ratified.

The Kyoto Protocol was drafted in response to the fact that the voluntary guidelines as set out in 1992 were not being followed. Greenhouse gas emissions and carbon dioxide levels were increasing. Therefore, the idea was put forth that the richer countries would get together to set a limit on hydrocarbon or CO<sub>2</sub> emissions, which was a natural progression because the voluntary system was not working.

The question we often get is that only the rich countries are making the big cuts and that Asian countries with large populations are not cutting. It is only natural. There is so much carbon dioxide in the atmosphere now, but emerging countries did not put it there. It was put there by the industrialized countries of Western Europe, by Canada and by the U.S. That is one of the arguments that came up during the discussions that led to the Kyoto accord.

The emerging nations are saying, "Look, you are asking that we all share equally in being penalized now. What about the fact that you have done all the polluting for the last 50 to 100 years in the push to industrialize yourselves?" Kyoto recognizes that we have a bigger responsibility to the rest of the world.

Honourable senators, I just got back from Bombay and Hyderabad, where one can see how they are handling their emissions. The emerging nations are saying, "You are driving SUVs and have a certain standard of living. Now you are saying that because we are so populous and we use the same methods as you do, we will pollute the air." It is incumbent upon us, as developed countries, to show and persuade the emerging nations that we can preserve our standard of living, or maybe even increase it, with decreased greenhouse gas emissions. They are watching us.

When I was in Hyderabad, I was interested in the fact that they have already shown a certain transfer of technology. For example, they ride in little three-wheel taxis that run on two-cycle motors, similar to a lawn mower motor or outboard motor, which pollute badly. The people there have managed to buy additives from Canada and the U.S. to mix into the gasoline rather than use ordinary oil, which cuts their carbon dioxide emissions by about 25 per cent. They were quite proud of that. Here is a poor nation, poor as far as the individual is concerned, bragging about what it is doing individually to try to meet the Kyoto targets.

[ Senator Gauthier ]



We have Esso over here, which is really a subsidiary of ExxonMobil. They run big ads saying, "Don't do it." Some of the richest and biggest people in the world are saying that Kyoto is too difficult and will hurt us all, whereas the poor taxi drivers and people in Bombay and Hyderabad are proud of the little bit they are doing to try to meet the Kyoto targets. One sometimes wonders what we are talking about when we see those ads. In other words, the rich want to get richer and the polluters want to pollute even more.

The other argument is that the U.S. is not part of the Kyoto accord. In a way, perhaps we should be thankful that the U.S. is not part of it if we are buying what we call pollution credits or CO<sub>2</sub> credits in the international market. The Yankees pollute so badly that if they were to compete against Canada and Western Europe, the price of CO<sub>2</sub> per tonne would be driven up so that it would be that much more expensive for Albertans and Canadians to balance their books. The fact that the U.S. is not in there competing against us probably helps us to buy cheaper CO<sub>2</sub>.

People make the chauvinistic argument that buying credits or CO<sub>2</sub> emission rights from Russia or a country in Africa that is operating beneath the Kyoto target will result in sending money out of the country. The point of Kyoto is that a tonne of carbon dioxide in the air, whether removed over Calgary, Montreal or Moscow, is still a tonne of carbon dioxide removed from this global village. It does not make sense for people to make the backward and chauvinistic argument that money is going out of the country. Who cares where that tonne of carbon dioxide is kept from going into the air? We are more likely to buy a tonne of CO<sub>2</sub> in Canada, but the point is that no matter where it comes from in the world, it is a tonne less.

The other argument we often hear is with respect to the tar sands, which contribute greatly to CO<sub>2</sub> emissions in Canada. It is rather interesting that Syncrude produces about eight megatonnes of CO<sub>2</sub> a year and is expected to go to 13 tonnes in 10 years. Within the whole valley of tar sands, we can expect, in 10 years, that 60 to 70 megatons per year of CO<sub>2</sub> will be produced from the development of the tar sands.

• (1540)

To put things in their proper perspective, the Americans, who we think are behind the times, have a geological basin in Texas called the Permian basin that has 40 CO<sub>2</sub> sequestration projects where CO<sub>2</sub> is taken and pumped into the ground. Those 40 projects get rid of 20 megatons per year. Alberta has an area of over 10 times the size of the Permian Basin, so one could argue that Alberta alone, by putting the CO<sub>2</sub> in the ground, would be able to bury the whole 240 megatons that we want to reduce under the Kyoto Protocol.

Technically speaking, if we use CO<sub>2</sub> at the same rate as Texas and Norway are now using it, we may not have enough CO<sub>2</sub> in Western Canada to put into the oil fields. This shows how silly the argument against Kyoto is, and that people are not thinking ahead. If anything, we, in Western Canada, should be in a very

good position. I would not be surprised to see the oil industry in Alberta use all the CO<sub>2</sub> and be out trying to buy some. In fact, they are now buying from North Dakota to put the carbon dioxide in Saskatchewan. The ads that the oil business has to hold back are misleading. I will acknowledge that some of the larger corporations will need to spend some money to capture the CO<sub>2</sub>, but I am almost positive, if you can believe what is happening in Texas and Norway, that they will be able to sell what they capture for more than the cost of capturing.

Finally, I want to say something from the farmers' point of view. Senator Wiebe has pointed out that the use of ethanol and canola oil to make diesel fuel will add another market to the farmers' livelihood, so, all in all, Kyoto is a good story. In our mismanagement we have held back so long that we have let the Flat Earth Society take over the all the publicity. They have huge amounts of money to buy ads, and that bothers me. Whenever I see an advertisement informing me that ratification of the Kyoto Protocol is bad for Canadians, I realize that, as a taxpayer, I am paying for half of the cost of that ad. Those advertisements are put out by some of the largest Canadian corporations, and they deduct their advertising costs as a business expense. Surely, honourable senators, that has to depress you just a little.

**Hon. Douglas Roche:** I would like to ask a question of Senator Taylor.

I should like to preface my question to Senator Taylor by noting that, since I will not be here on Thursday when tributes will be paid to Senator Taylor — Senator Banks will actually speak for me when he gives his tribute — I want to pay my respects to him as a great Albertan and a great Canadian, and tell him that I will miss him here in the Senate. The speech he just gave is one of practical wisdom and it has evoked in me a question, which I will now direct to him.

My question concerns the attitude of the Government of Alberta to the Kyoto Protocol. That government established itself early in this process as being strongly against Kyoto. In the early stages, public opinion polls in Alberta were in favour of it, and then the government started a campaign against ratification of the Kyoto accord. Senator Taylor referred to some of those ads. Now public opinion in Alberta is ambivalent as to the efficacy of the Kyoto accord.

In the opinion of Senator Taylor, will the Kyoto accord hurt the economy of Alberta, or can the economy of Alberta, robust as it is, absorb the costs of Kyoto without dislocating jobs and the rest of the economy?

**Senator Taylor:** I thank the honourable senator for the question and also for the compliment that preceded his question.

Even the worst scenarios indicate that, over a 10-year span, there will be only a 2 to 3 per cent difference in the growth of the economic prospects if the Kyoto standards are met. Therefore, I do not think Kyoto will affect the economy of Alberta. I do not see how there can be a negative effect.

As a general rule, over the next 10 years, if 300,000 less jobs are created in Canada, Alberta's share will probably be 30,000 jobs. Recognizing that Alberta cannot fill the jobs it creates with immigration from abroad or migration from the other parts of Canada, no one in Alberta will lose a job. Rather, it is a question of how many people we must bring in to meet the needs of our expanding economy. The worst estimate is that we will not have to bring in as many people as we would if we did nothing.

My scenario would be that we will actually create jobs, because of the carbon dioxide from the tar plants being used to try to take oil out of our old oil fields. I think that will yield a lot more oil, and the taxpayers in Alberta will make money. Once again, the Lord will have smiled on us.

I can tell you that, years ago, when I first started in the business, we used to flare natural gas. We wanted to get rid of it so that we could get the oil. We started poisoning too many people. The same thing happens with the carbon dioxide. We are getting rid of the carbon dioxide in order to get the oil, but the point is that the carbon dioxide is of value and can be used in many things, so we will end up lucking out again and making money.

**Hon. Yves Morin:** I, too, would like to congratulate Senator Taylor for his speech and also for his enthusiastic support of the Kyoto accord.

What is Senator Taylor's opinion about the so-called Canadian plan to reduce greenhouse gases?

**Senator Taylor:** The so-called Canadian plan is based on a percentage reduction per unit. In other words, they will reduce the amount of carbon dioxide they leave in the air per barrel of oil, or per car or per unit, but that makes no allowance for growth. In other words, if you cut back on carbon dioxide per barrel by 15 or 20 per cent, but you double the amount of barrels you produce, you are still putting more tonnes of carbon dioxide into the air. That is the trouble with the Canadian plan. It is just a subtle method. Of course we feel very nationalistic that it is called the Canadian plan, but it is not a made-in-Canada solution. It is only a solution if we continue our present production. On each unit of production we will reduce the amount of waste CO<sub>2</sub> we put in the air. As Canada is a growing country, and more particularly Alberta is increasing its oil and gas development, this means that we will emit a lot more carbon dioxide into the air than we do now.

• (1550)

**Hon. B. Alasdair Graham:** Honourable senators, in rising to participate in the address in reply to the Speech from the Throne, I wish to begin by congratulating the mover and seconder, who happen to be seatmates on the other side of the chamber, Senators Morin and Hubley. I also wish to congratulate all honourable senators who have thus far participated in this important part of our parliamentary agenda. As well, I commend our new Speaker *pro tempore*, who now happens to be in the Chair, Senator Pélipin. We are always assured when Speaker Hays is in the Chair, but we are also assured by the presence of the strong leadership teams on both sides of the house.

The Speech from the Throne, honourable senators, spoke of our rising confidence as a nation. We were told that less than 10 years ago the economy was in decline, the debt and deficit were out of control, our unity was under threat and our confidence was shaken. The speech spoke of collective efforts over those years of new opportunities, possibilities and choices for the Canada we want. This is the time for Canada, we were told. Now is the time to build on the strengths, the talents and all the adventure that is implicit in being Canadian, to build higher, stronger and more creatively than ever before.

One of the principal objectives of the Government of Canada, we were told, is to ensure that the country is a continuing magnet for talent and investment in the knowledge economy, in a world where success for companies, peoples and regions is measured by how well local activities meet world standards of excellence.

As the Speech from the Throne stressed:

The economy of the 21st century will need workers who are lifelong learners, who can respond and adapt to change.... To this end, the government will work with Canadians, provinces, sector councils, labour organizations and learning institutions to create the skills and learning architecture that Canada needs, and to promote workplace learning. This will include building our knowledge and reporting to Canadians about what is working and what is not.

As such, the government throws down the gauntlet. We can, have and will work even more diligently with Canadians to develop lifelong learners, to develop a workforce nourished by change and transition, a workforce energized by all the promise that the digital revolution represents. However, what works and what does not work, honourable senators, is a question of the greatest magnitude. I would suggest that the accumulation of reports from across the country must begin as soon as possible. Much of the data is found in our own backyards, in our own communities. I have found mine on the island of my birth, the land where sea and fiddles rule, the magical, mysterious and most beautiful island of Cape Breton.

Let me begin by stating the obvious: It is well understood that, as a strategic response to heightened economic competition over the decades, there has been a global trend for many kinds of economic agents, whether in the manufacturing or the service sector, to cluster together within large cities and regions to gain increased productivity and performance advantage. The age of globalization has accentuated this process.

It is true that vast areas of the contemporary economy are tied to enormous amounts of uncertainty. While high technology may be the most illustrative example, the same is true with business and financial services, or all kinds of markets that fluctuate because of fashion effects or constant design changes. Business must be prepared to combine equipment and labour, often on a day-to-day basis. However, analysts tell us that the kind of information needed to negotiate new contracts and restructure buying and selling relationships, or to shift from one job to another, depends on informal human relationships that are often found at the local level.



All that is to say that many researchers are finding that success in this globalizing world is not always in the design of the Lexus, important as the role of robots in the creation of that most illustrious automobile may be, but in the shadow of the ancient olive tree, as Thomas Friedman has so correctly noted in his recent book. Take the olive tree and substitute an ancient cultural symbol relevant to any community across the planet. To translate into some of my own jargon from Cape Breton, let us think about the centuries old social glue that becomes apparent when you step into the kitchen of a weathered old clapboard house, where the floors have had the "plank'er down" treatment from the neighbours' lively steps, as they dance to jigs and reels of the fiddler, decade after decade.

Honourable senators, people who know Cape Breton well have always understood that our greatest natural resource is our strong community spirit. No matter what the insecurities and dangers endemic to our economy, we have always drawn strength from the instinctive humanity of our people. The old coal culture taught people how to look after each other. All kinds of unwritten codes knitted that culture together, unwritten codes about bravery, loyalty and brotherhood that provided strength and hope in communities that have experienced all the hardships and insecurities of a dangerous business.

Cape Bretoners are a unique blend of people of different ethnic backgrounds who are possessed of a deep loyalty to this "rock in a stream," as the famous *Song of the Mira* tells us. A stubborn lot, we have over the centuries built a unique, rich and magical musical culture and a way of life that attracts hundreds of thousands of visitors every year.

In spite of the forced exodus from the island when the limits of industry and politics have dictated, a Cape Bretoner is still a Cape Bretoner. Whether in exile in the Alberta tar sands, the offshore oil rigs, in New England or wherever, the longing for home is maintained. For those who manage to stay, despite the difficult times of a cyclical economy, the shared bond with those away is a deep and heartfelt love of the island.

It is well known that Cape Breton's economy was anchored on the resource industries for many generations. Because of the inordinate dependence on such a small number of employers, the economy of the island did not mature and diversify into other sectors.

In the 1950s and 1960s, there were 7,500 people working at the Sydney Steel plant; today, there are none. In 1961, the Rand Commission on Coal noted that in an area of approximately 87,000 people — the so-called industrial area of Cape Breton — roughly 50,000 residents were dependent on coal mining; today, there are none.

One of the toughest decisions of my public life was to agree in early 1999 to the closure of the Devco mines. While I knew it was time to turn the page, I was conscious and indeed deeply troubled by the enormous turnaround that miners, their families and communities would have to make.

The fisheries were the third major pillar in the resource-based economy. Hard hit by the collapse of the groundfishery, over 2,300 people lost their jobs as a result of the closure.

What happened on Cape Breton Island was not just a shutdown or a slowdown; it was, in terms of the collapse of the resource industries, an almost total destruction of the *raison d'être* of Cape Breton.

In spite of the devastation in the resource industries, I wish to tell honourable senators that the forces driving the world economy are alive and well in Cape Breton today. The forces of innovation in software production have taken hold. Vibrant winds of change energize vigorous small firms and talented local entrepreneurs, all of those thriving locally, but at the same time harnessing global market forces and making them work to their advantage right at home.

Agri-foods, oil, gas, aquaculture, manufacturing, information technology and telecommunications are all part of the brilliant new spatial cluster, the shiny new constellation of producers revolutionizing our economy. From call centres, supercalendered paper, cheesecakes, pre-finished hardwood to computer-based animation, Cape Breton is doing it all.

I must also applaud the economic development efforts of the Government of Canada. Through the joint efforts of Enterprise Cape Breton Corporation, the Cape Breton Growth Fund, as well as ACOA, the Atlantic Canada Opportunities Agency, over 4,000 jobs have been created since 1999.

The solid progress being made is seen in the statistics. Employment levels are rising. In spite of the loss of over 3,000 jobs in coal and steel since 1993, the island has had a net increase of over 7,400 jobs. Employment on the island in 2001 was higher than in any year since 1988.

The participation rate in 2001 was higher than in any year since 1987. The unemployment rate for the first half of 2002 stood at 15.9 per cent, still far too high, but it is one of the lowest rates for a six-month period in the last 15 years. In 1993, for example, the unemployment rate for the first six months was over 27 per cent. We are on the right track, honourable senators.

• (1600)

There has been an increase of 635 new businesses created on Cape Breton between 1998 and 2001. The labour force continues to perform above average. As communities have mobilized to chart their own paths to economic prosperity, new employers have been attracted by the energy displayed. Just last month, a major business summit was hosted in Cape Breton to showcase the positive changes and the competitive advantages of doing business on this beautiful island which, as John Manley, the then Minister of Industry, said, not too long ago when he spoke to the industrial Cape Breton board of trade, is two minutes from the beach and two seconds from Tokyo.

In coming back to the challenge posed by the Speech from the Throne, how do we as a people facilitate, drive and motivate people to be life-long learners? When we look at the data, what are we doing right? Well, I must say, honourable senators: Look at the people of Cape Breton and stay tuned.

The social capital of Cape Bretoners is our most powerful resource. It is the problem-solving capability that comes from rich, shared experiences where culture and community are one. This wonderful resource is the infrastructure for an economics of trust. It is, I have no doubt at all, the local path to the global marketplace. It is the inherited genius of a people accustomed to caring and sharing. It is the spinal cord of some of the strongest communities in all of North America. It is the key to phenomenal success for business clusters that are nourished by such fundamental human understanding at the grassroots level. I am proud to say it has become the inheritance of our young people, who are busily opening windows on the future and who have the confidence and determination to open them at home.

I am speaking here of a special place where people believe that technology serves people and serves communities. I am speaking about Cape Breton, where sea and fiddle still rule, but where we are continuing to discover, as an example to our country and to the world, that life-long learning starts in a place called home.

**Hon. Senators:** Hear, hear!

**Senator Roche:** I should like to raise a question for clarification on the timing of the debate by directing a question to the Deputy Leader of the Government in the Senate. The question is this: This being the fifth day of an eight-day debate, can the Deputy Leader confirm that this debate will continue at least until Tuesday, November 19?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, today is the sixth day of debate and the fifth day of resumed debate. If debate were to continue through Thursday, we would reach the eighth day, which would terminate debate, pursuant to the motion passed by this chamber.

[English]

**Senator Roche:** I now understand the distinction that the Deputy Leader of the Senate has made between the eighth day of debate and this fifth day of resumed debate.

I would ask the view of the Deputy Leader of the Government as to whether this debate will continue until at least Tuesday, November 19.

[Translation]

**Senator Robichaud:** Honourable senators, I cannot give my honourable colleague this assurance, simply because if any senators wish to speak to this tomorrow of Thursday, they would have the right to do so. They would thereby use up the days allocated for this debate.

On motion of Senator Kinsella, for Senator Beaudoin, debate adjourned.

[ Senator Graham ]

[English]

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, had the government introduced proposals such as the ones tabled 10 days ago immediately after the 1993 election, now 10 years ago, with the same fervour with which it cancelled the helicopter contract and the Pearson airport contract, chances are that they would have been received with more enthusiasm and certainly less cynicism than what is before us today.

After years of refusing to honour a then highly publicized pledge in Red Book I regarding an ethics counsellor, and trying to convince Canadians since that an ethics counsellor appointed by and reporting exclusively to the Prime Minister did just that, the government now reverses course without a word of apology to spring on us a draft bill on an ethics commissioner and a draft code of conduct for parliamentarians.

It all sounds very promising — and no doubt a first step is better than no step at all — yet the way the government wants us to proceed is most unusual, to say the least. Both Houses are, so far, at least, to separately examine amendments to the Parliament of Canada Act establishing an ethics commissioner. I am not aware of a government bill being referred to a committee of each house before having even been given first reading. Is this a new adaptation of pre-study?

In addition, the draft code of conduct draft is a complement to the draft bill. Whatever the unusual procedure, tabling both at the same time is most welcome. For years, Parliament had been asked to approve bills whose main impact is in regulations that they authorize but which are seldom submitted to Parliament before being gazetted, even for comment. A thorough assessment of such legislation is impossible without having draft regulations associated with it submitted at the same time. Hopefully, the government doing the equivalent now is a precedent that will be followed regularly in the future.



What is before us can only be called an improvement because nothing could be worse than the embarrassing charade the Prime Minister has foisted on Canadians for nearly a decade. An ethics counsellor named by him, reporting only to him, using a code of conduct known only to the two of them, is a formula which has not only led to ridicule but, even worse, has contributed greatly to an ever-increasing disenchantment with the federal political system.

What ethics declare proper a Prime Minister contacting the head of a Crown agency on a matter in which he has more than a personal, passing interest? What ethics allow a cabinet minister dismissed in disgrace to be rewarded with an ambassadorship? What ethics determine that a cabinet minister who accepts hospitality from a government supplier can be shifted to another cabinet position — another cabinet position, by the way, which was considered a demotion, as if being responsible for the management of House of Commons business is less important than having the responsibility for dishing out public funds to friends and supporters? If ever proof of this government's priorities is needed, it is crudely but well summed up here.

The departure of the former Solicitor General mystifies me. Some two years ago, he inquired from the ethics counsellor about being involved in a request for federal financing of a program at an institution headed by his brother. The counsellor's advice was that it was best for another minister to handle the file, as if that were enough to remove any suspicion of favouritism, whether founded or not. How naive can one be? This reminds me of how some ministers get around the rule that they cannot hire direct relatives in their offices. They have cabinet colleagues hire them instead.

What I find particularly shocking in this last ministerial gaffe relates to the resignation letter to the Prime Minister. It is not that the former Solicitor General strongly disagreed with the Ethics Counsellor — one could expect nothing else — but that the Prime Minister agreed with his former colleague, thereby publicly contradicting his own adviser. Why, after being so humiliated, Mr. Wilson did not resign on the spot is beyond me. Certainly, any remaining credibility in his independence, which had always been weak at best, has now evaporated.

• (1610)

What is before us is only a recommendation for discussion and not final government policy. Therefore, any opinion expressed on this side, anyway, certainly from me, is a personal one, thus allowing a wide expression of views that, hopefully in the end, can lead to some form of general agreement. To date, regretfully, this package of reforms only seems to have successfully diverted attention from the real problem, which is not addressed anywhere in the material before us, namely, that some members of cabinet do not seem able to distinguish the public interest from their own interests or those of their friends.

I, for one, am not an enthusiast when it comes to codes of conduct for the simple reason that I have yet to be convinced that they act as a deterrent. Even if they did, however, I am certainly not impressed with how the government is now proposing to deal with the matter for one obvious reason: It suggests that the Ethics

Commissioner be appointed by the Governor in Council for one term of five years. This is completely unacceptable. Anyone accepting this unique position after the 10 years of sad experience we have had with Mr. Wilson will only be able to carry out his or her responsibilities if he or she has the full confidence of Parliament as a whole. Ideally, candidates should appear before parliamentarians to allow members of both Houses to have the opportunity to satisfy themselves of the candidates' independence and qualifications. If this is found too cumbersome and time-consuming, the government should at least allow us to follow the course set out in Red Book 1, which states:

The Ethics Counsellor will be appointed after consultation with the leaders of all parties in the House of Commons and will report directly to Parliament.

Approval by one or both Houses is not an unusual procedure. The Chief Electoral Officer is appointed by resolution of the House of Commons. The Information Commissioner and the Privacy Commissioner must be approved by both Houses, as does the Commissioner of Official Languages. Why continue the appointment of an officer affecting all parliamentarians without any ability for them to be reassured directly of its holder's qualifications? Surely, no one wants Mr. Wilson's successor to work under the same handicaps he has had to work under since his first day on the job.

I will not comment further at this time on any other aspect of the proposals since the rest of them, particularly the code of conduct for parliamentarians, whatever their final form, will not be taken seriously as long as neither House of Parliament has a direct say in the selection of the Ethics Commissioner.

Honourable senators, this is an ideal time to put an end to a farce that has gone on for far too long, and I am hopeful and even confident that the Senate will lead Parliament in this direction.

**Hon. Jeremiah S. Grafstein:** Would the Honourable Senator Lynch-Staunton allow a question or two?

**Senator Lynch-Staunton:** I will give it a try.

**Senator Grafstein:** The Honourable Leader of the Opposition has been staunch in the sovereignty of the powers of the Senate but has made no mention with respect to the different and separate powers between the House of Commons and this chamber. Is he not concerned that by allowing a commissioner to apply to both Houses, that person, as honourable as he or she may be, would have more direct responsibility on a day-to-day basis to the other chamber than to what we have traditionally done in this place, which is to handle our own matters vis-à-vis our own rules?

**Senator Lynch-Staunton:** I am in complete agreement. There are many flaws in what has been recommended. As I said, the major one is the appointment of the Ethics Commissioner. If that is not resolved, I do not say the rest is secondary, but it certainly does not lend itself to proper follow-up by whoever is responsible.

I feel very strongly that this house should be the master of its internal rules, as it affects the running of the chamber, committees, and the code of conduct of its own members. That is something that I hope we will discuss before the committee.

There are other things in the proposed code of conduct. For example, we can snitch on each other. We can go to the commissioner and whisper in his ear that we have heard that a fellow member has a vested interest in this or in that. We can sully reputations. I will be answered in return, "Yes, but all this is confidential." Let us not fool ourselves: Nothing is confidential; nothing is private.

Finally, I am against a code of conduct which requires that I or any member divulge my assets, whatever they may be, the value of them, and perhaps, as some suggest, those of my spouse. It is a personal affront to be required to do that. It means that I come into this chamber under suspicion or I am not eligible to come in here unless I divulge everything my wife and I own. That will discourage competent people from coming here and will encourage incompetent ones more.

I have not touched on all the aspects of this issue because I am more concerned with our insistence that the Ethics Commissioner, whoever he or she may be, is approved by at least one House of Parliament, if not both. If that is not done, I am afraid anything else that follows for which he or she will be responsible will just be a continuation of the farce we have had to suffer for the last nine years.

**Senator Grafstein:** I thank the honourable senator for his response.

I think the honourable leader agrees with me that the question of the jurist consult to both Houses runs contrary to the constitutional position that the two Houses are to be dealt with in a separate way. Does the Honourable Leader of the Opposition agree with that proposition?

**Senator Lynch-Staunton:** Completely.

On motion of Senator Sparrow, debate adjourned.

[Translation]

### THE ESTIMATES, 2002-03

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of October 31, 2002, moved:

That the Standing Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2003, with the exception of Parliament Vote 10a.

#### PARLIAMENT VOTE 10A OF SUPPLEMENTARY ESTIMATES REFERRED TO STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of October 31, 2002, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2003; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

• (1620)

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO CONTINUE STUDY OF MAIN ESTIMATES

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of October 31, 2002, moved:

That the Standing Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2003, with the exception of Parliament Vote 10a and Privy Council Vote 35; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-seventh Parliament be referred to the Committee.

[English]

### STUDY ON STATE OF HEALTH CARE SYSTEM

#### FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(*Honourable Senator Kirby*).

**Hon. Michael Kirby** moved the adoption of the report.

He said: Honourable senators, I rise to begin the debate on the third report of the Standing Senate Committee on Social Affairs, Science and Technology on the health care study. I should like to make one or two observations before turning to the substance of the issue.

First, I wish to thank all my colleagues on the committee who have contributed so enormously of their time and, more important, of their incredible individual talents and knowledge so that we could produce a report that was not only unanimous but extremely detailed in terms of its understanding of the health care system and the kinds of things that needed to be done to restructure, refurbish and return the system to a form that would enable it to meet the aspirations of Canadians.

As a good indication of the enormous commitment of the members of the committee to the health care issue, we need look no further than the Speaker *pro tempore*, Senator P  pin. The honourable senator decided, immediately upon the completion of the committee's report, that she would attempt to understand, first-hand, whether the health care system was as bad as the committee had reported. It was in many cases, and Senator P  pin proceeded to injure her foot and to be taken as a hospital emergency case to actually test the way these facilities in the health care system operated. Earlier today, Senator P  pin said that there is no question about it: Our description of the waiting line issue in the report is understated. I thank Senator P  pin for her extreme devotion to the cause.

[ Senator Lynch-Staunton ]



Second, I should like to put on the record, on behalf of the committee, a few words about the extraordinary work and assistance of the committee's two researchers, Odette Madore and Howard Chodos, and the committee's clerk, Catherine Piccinin. The reality is that, during the summer, we asked those three individuals to work way beyond the bounds of what is normal in their positions. Not only did they respond positively in terms of the help they gave us, but also they responded enthusiastically to what were, on many occasions, difficult deadlines to meet. The committee had an opportunity at a dinner last week to thank these individuals, but it is also important that those comments be on the record.

Honourable senators, let me say upfront that I will most likely ask for leave to speak beyond the 15-minute limit. I will not go into the details of all of the recommendations in the report because people are capable of reading the report themselves. Indeed, I know a number of members of the committee will want to talk about some of the recommendations. However, I should like to take a few minutes to give honourable senators the intellectual framework, or the underpinning, which is at the basis of the report and on which all the recommendations in the report ultimately can be hung. There are six key elements to this framework.

First, the system clearly needs to be changed to make it substantially more efficient. The reality is that, over the course of the last two and one half years, the committee found that there are many areas in which changes need to be made to enable the system to operate more efficiently. This is clearly not all that needs to be done, as I will explain in a few minutes. However, it is clearly an underlying principle of our report.

Related to the issue of efficiency, however, is our view of how one gets a system to change. On this element, it is highly likely that our report may be different, and certainly is different, from the position taken in the National Forum on Health in 1997, and it may well be different from other reports that will be coming out shortly. The reason for that is we began with the view that this system is too big, too complex, and that hospitals are a far too difficult type of organization to manage for government to be able to operate with a regulatory, top-down, classic command-and-control-type model. That means that it is not possible, given the complexity of health care institutions, for government to be able to micro-manage them.

Yet that is exactly what is happening. Honourable senators, I have one statistic for you that we have heard from a number of chief executive officers of hospitals across Canada: They spend somewhere between 30 and 35 per cent of their time negotiating or haggling with bureaucrats in provincial departments of health. It is absurd that an individual running an institution, where budgets run in the hundreds of millions of dollars, should spend on the order of one third of his or her time haggling with people who have never had experience running anything.

The reality is that this system cannot be managed in the old-fashioned government way of the 1960s and 1970s. In those days, government could get institutions and individuals to behave the way in which they wanted them to behave by imposing many

kinds of behavioural conditions and by attempting to regulate behaviour — what we call the “command-and-control model.” Instead, the third report lays out a series of incentives for the different players and for the different points in the system. The incentives have been specifically designed to meet the following test: that a rational person faced with such a set of incentives would end up exhibiting the kind of behaviour that the committee would like him or her to exhibit in order to make the system more efficient, and to make it better for patients.

I give honourable senators two examples. This question has been raised with me a number of times in the last couple of weeks, related to what appears at first glance to be a contradiction in the report, but is not a contradiction. With respect to primary care physicians, we argued that the current method of reimbursing physicians, which is a fee-for-service model, encourages physicians to drive volume and to not delegate the performing of certain procedures to members of their staffs, such as nurses or nurse practitioners, who are trained to do some of those procedures. However, they are not operating at the current level of their competence. Our opinion on the best way to proceed on that would be to change the way in which physicians are remunerated, to a method of capitation, in which they would be paid a particular sum of money to look after a given patient for the year, regardless of how often they saw the patient.

Faced with that remuneration structure, the family practitioner is then incented to do two things: allow his staff members to do the procedures they are trained to do, because the physician does not have to see the patient and will receive the same amount of money in any event; and promote preventive medicine to the extent that he can keep the patient healthy for an ongoing period of time. Thus, he will have fewer visits from that patient and his own workload will be eased.

We use that incentive plan in an attempt to change the behaviour of family practitioners, rather than order them to allow their staff to do the procedures they are trained to do.

• (1630)

Conversely, our view of the hospital system was that hospitals should be paid on the basis of service-based funding, instead of their current method of being paid, which is a global or annual budget. To use the same terminology I used a moment ago with respect to general practitioners, hospitals should be paid on a fee-for-service basis. In a sense, that seems contradictory. Why would we be opposed to fee-for-service for general practitioners but in favour of fee-for-service for hospitals?

Let us examine what happens to the incentive system. If hospitals are going to be paid that way, it does encourage hospitals to drive volume, which is a good thing not a bad thing, whereas with respect to family practitioners, it is not a desirable practice. Second, and perhaps more important, it encourages hospitals to specialize. We know for a fact that the more a procedure is performed within a hospital, the more efficient the hospital gets at doing it. That is obviously economically good.

It is also extremely good for patients when a particular procedure is routinely performed by the same medical team. Not only are they more efficient, which is economically good, but the quality goes up.

One of the interesting things about the health care system is that it is one of the few businesses in which increasing volume and increasing quality go up together. With many businesses that is not true. If you increase volume too much, in fact quality goes down. All of the studies worldwide show that is categorically not true with respect to the hospital system.

I give you those as two illustrations of the fact that, throughout the report, you will find a series of measures designed to make the system more efficient, designed to achieve that not in the old-fashioned way of government, which is, essentially, trying to regulate behaviour, but trying to design a set of principles which will lead to rational people operating in their own self-interests to change their behaviour to the way we want it.

The second major principle we should comment on is the role that we see for the federal government in the infrastructure of the health care system. Historically, going all the way back to 1867 and the Canadian Pacific Railway, the federal government has always had a major role to play in infrastructure throughout the country. In our view, there is a major role for the federal government to fill. We strongly believe that medicare ought to have significant national characteristics. We believe that the federal government should largely pay for the underlying element of the infrastructure of the health care system. I emphasize the infrastructure, not the operating method. I will say something about the operation system in a moment.

In our report, we mention two major areas of infrastructure that cost a huge amount of money and, therefore, only the federal government can afford, in our view. In each of these two areas, we recommend that the federal government pay 100 per cent of the costs, rather than the old 50-50, 75-25 or cost-sharing model which led to the inevitable and interminable federal-provincial wrangling back in the first decade that medicare was in effect, from 1967 to 1977, when the Established Programs Financing Act came into effect.

We emphasized two areas of infrastructure. The first area is information systems. Honourable senators, it is impossible to manage the hospital system the way we believe it ought to be managed unless the information systems available to the people managing those institutions are vastly improved.

To give you one illustration, the first or second question I asked the first hospital CEO I met two-and-a-half years ago, after the committee started its work, was what it costs to perform an appendectomy. I was told by the CEO that he did not have the foggiest notion, because their management information systems did not allow them to know the cost of any specific procedure. When I asked how they could possibly run a service-oriented business, which is what a hospital is, when you do not know your cost of production, he admitted that he would like to know the cost of production. However, the reality was that he did not.

In September of 2000, the federal government committed some \$500 million to the beginning of an electronic patient health record, which is the cornerstone of the ultimate kinds of information systems that hospitals and the health care system will need. We have gone beyond that to argue that the federal government should pay for building a national information system, the purpose of which will have huge advantages. First, it is much cheaper to build one system. Second, by rolling out a common system across the country, the ability to make comparisons between institutions in regions of the country is enormously enhanced. Third, it makes the portability element of the Canada Health Act actually doable because, given the mobility of Canadians, the information on a health record in one part of the country would be available in another, and so on. That is one of the two big infrastructure pieces we have emphasized in our report.

The second big infrastructure piece has to do with what we have called academic health science centres, and which the layperson would typically think of as medical schools and the medical schools' associated teaching hospitals.

In our view, they are the critical elements, particularly in terms of the health care infrastructure of this country. Most of the sophisticated equipment is in teaching hospitals. All of the very complicated medical procedures that take place in hospitals always take place in teaching hospitals. The ultimate overall level of quality, other than for routine procedures, of the health care system will depend primarily on what happens in teaching hospitals.

Again, there is the problem of the provinces, having been strapped for money, were finding it difficult to get the kinds of equipment into these hospitals that were needed. In some parts of the country, the physical facilities in which teaching hospitals are operating are old and antiquated, some going back over 80 years.

**The Hon. the Speaker *pro tempore*:** I regret to inform the honourable senator that his time for speaking has expired. Is he asking for leave to continue?

**Senator Kirby:** Yes.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Kirby:** Thank you, honourable senators.

In our view, it is extremely important that the federal government, as its contribution to health, take the responsibility for ensuring that adequate equipment and facilities are available in all the teaching hospitals across this country.

While it is unusual, I suppose, for a committee to take the position that the federal government ought to pay 100 per cent of anything this is a shared responsibility in a federal-provincial sense, in our view, one of the big advantages of this system is that it avoids a lot of the detailed bickering that typically takes place at the federal-provincial level.



Second, a national program enables the development, within Canada, of centres of excellence, because any new technology is developed in only three to five places. That can only happen if the allocation of resources and equipment is done at the national level. Aside from the financial assistance, the potential spinoffs to both the economy on the one hand and health care research and the health care system on the other hand is extremely beneficial as a result of operating with 100 per cent federal support. The infrastructure principle is our second principle.

Our third is that the time has come to move beyond the hospital-and-doctor system that we have now to begin to close some gaps in the health care safety net. It is interesting that many commentators that the media have reported — and every member of the committee has been doing various interviews, including a number of phone-in shows — talk as if we have a national health care system in this country when we do not. We have a national hospital-and-doctor system.

Honourable senators, just to put that into perspective, hospitals and doctors now account for 46 per cent and falling as a percentage of health care expenditures. In spite of all the common myths and the language that most of us use when talking about national health care, we do not have a national health care system. We have a system that now covers less than half of all health care expenditures. As a result, there have been significant, growing gaps in what are the health care issues — health care issues that go beyond the doctor's office and hospital walls.

We have proposed three particular programs that would begin to close the gap in those areas. Other honourable senators will deal with the details and the specifics. I will merely highlight each point.

• (1640)

The first is catastrophic drug costs. It is our view that no one in this country should go bankrupt having to pay for drug bills. As we have documented in Volume Five of the report with one example and in Volume Six tabled 10 days ago with another example, the reality is that there are people in this country who are being forced into bankruptcy, forced to spend all of their life savings and forced on to the welfare rolls in order to pay drug bills. In our view, that is simply wrong. I am happy to admit that that is absolutely a value statement, but it is a value statement in which every member of the committee passionately believes.

We have designed the plan to deal with that issue while not interfering with the role of the existing private and public drug care plans. It is essentially a safety net for the extremely expensive cases that would be kicked over into a new program funded 90 per cent by the federal government and 10 per cent by a private plan if the patient is a member of one or 10 per cent by a public plan if they are a member of a public plan.

The second area we talked about in order to expand the system is described in the report as home care for individuals who have been served in hospitals and then leave the hospital. It is home care for a period of 90 days after a patient leaves the hospital.

A better way of describing that plan would be to say that we have recommended that the hospital walls be deemed to include the walls of an individual's home for a period of up to 90 days after that person leaves the hospital.

We did that for two reasons. First, a vast majority of people would like to leave hospital as soon as possible and go home, but in some cases they cannot because they cannot afford it. Therefore, it seemed to us to be the right thing to do from a patient perspective. Equally important, to go back to my first principle of efficiency, it is significantly more efficient to move someone out of a hospital bed and into home care if they are medically well enough to do that. Typically, an average one-day stay in a hospital bed costs the hospital between \$1,400 and \$1,500. Typically, for people leaving hospital and needing home care for a short period of time following their movement out of hospital, the cost is less than one third that amount, somewhere under \$500 a day.

Honourable senators might ask why this is not done now. It is not done now because an individual in a hospital can stay in the hospital and not have to pay for it, costing the hospital \$1,400 or \$1,500 a day, or they can be sent home and pay \$300 or \$500 out of their own pocket. Faced with that choice, a great many Canadians, if they are at the middle or lower ends of the income scale, will say, "I cannot afford to go home, so you have to keep me in the hospital." That strikes us as absurd, frankly, but the nature of the current funding mechanism promotes that behaviour.

To return to my point about incentives, by agreeing to fund home care for people leaving hospital, we have provided a terrific incentive for hospitals to have an individual leave the hospital when they are medically ready to do so. That incentive will save money. I repeat that this is not a top down command-and-control approach; it is an incentive-driven approach.

We have adopted a similar recommendation with respect to palliative care. Polling evidence shows that something like 80 per cent of Canadians have indicated that they would prefer, if possible, to spend their dying days at home, yet the reality is that roughly the same 80 per cent spend their dying days in hospital. That happens in large measure because palliative care at home is not covered by current public funding under medicare, whereas palliative care in the hospital is covered.

While it is true that a number of patients require so much ongoing service in the palliative state that it may well be necessary for them to stay in hospital, there are many people for whom that is not true. We had much evidence on that point. Our argument would be that it is not only the right thing to do in the social sense, it is absolutely a more efficient thing to do.

Honourable senators, the big three themes in the report are efficiency, infrastructure and closing the gaps in the safety net. However, using those as vertical principles, there are three horizontal principles that cut across all aspects of the report.

One principle is the care guarantee. The care guarantee essentially means that for most major hospital procedures, clinically determined, evidence-based guidelines would stipulate the maximum waiting time for individuals to get service for their particular procedure. In saying that, the committee is referring to service all the way through to the end of the process. Currently, the system is structured such that the waiting line for service is through the first stage, then a new waiting line is started. We are talking about waiting lines to the end of the process.

We have made that recommendation for two reasons. First, it is absurd to have a health care system that does not provide timely care. A health care system that does not provide timely care can hardly be described as the best health care system in the world, as I have read in newspapers lately. However, it is an extremely good one, but it is deteriorating rapidly as evidenced by the waiting time issue.

The minute a person is diagnosed, he or she would know the maximum outside waiting time. The minute that waiting time has elapsed without treatment, government — as the insurer, as the provider of funds for the system and the insurance company, in a sense, for the system — would be required to pay the cost of that individual receiving that service either in another place in Canada or, if necessary, in another country, such as the United States.

Believe me, honourable senators, nothing will provide a greater incentive to provincial governments to move on restructuring the system to make it more efficient than the notion that if they do not, the waiting lines will get longer, more people will reach the maximum waiting time on the list, and government will have to pay the cost of those patients getting treatment elsewhere. That is a positive reason for arguing for a care guarantee. It is very much a patient-driven argument.

There is another side of the issue of which we all need to be aware. In the committee's fourth report, which was tabled a little over a year ago, we raised the question of what would happen if someone challenged the lack of timely care from a constitutional standpoint, specifically under section 7 of the Charter of Rights, which guarantees the right to life and security of the person. We posed that question and received a fairly negative response from particularly the left wing in this country, which was surprised that we even had the audacity to ask the question. We asked the question and quoted section 1 of the Charter. As I recall, we questioned whether it is just and reasonable in a free and democratic society for government to take on the obligation to provide necessary medical services and simultaneously deny an individual the right to buy those services, or buy insurance to get those services elsewhere, and then in turn not provide the services in a timely manner.

A number of academic pieces have been written based on that question from a year ago. One piece was by the C.D. Howe Institute, as written by Patrick Monahan and Stanley Hartt. Another very good case study was prepared for the Romanow royal commission by some academics headquartered at the University of Saskatchewan, but not unique to that university. Several other legal commentators have made observations on that question. The conclusions from everyone are the same.

• (1700)

The conclusions are that if government is not prepared to provide timely service, if it continues to leave people on waiting lists to the extent that their health will deteriorate while they are sitting on those waiting lists, then sooner or later the Supreme Court will rule that if that is the government's attitude then government can no longer prevent individuals from buying health care insurance. In turn, this would allow those people to pay for those services privately in Canada.

At the present time, the reason there is no parallel private system is a combination of provincial legislation and, to a lesser extent, the Canada Health Act. The committee passionately believes that it does not want to go to a parallel private system. Throughout the report, we have argued against that in a number of places. In our view, the care guarantee is essential not only from the point of view of serving patients, but also to prevent the courts from ultimately leading us in the direction of a parallel private system that not only does the committee unanimously not want but which we believe Canadians do not want. That issue of the care guarantee really crosses all of the first three principles that I raised.

My fifth point is that we worked very hard to avoid the issue of federal-provincial conflict. Let me be clear: It is not possible to get into this area of discussion without some element of federal-provincial conflict. The blunt reality is that the delivery of health care services is a provincial responsibility. That is a fact. It is also a fact that while some provincial governments will argue very passionately about any interference by the federal government in this area they will ask for money, with no strings attached. Not only do we think that would be foolish, we think it would be a recipe for absolute disaster.

Witness the \$23 billion that was promised in September 2000. Several people have recently asked me anecdotally around the chamber where that money went. As is obvious from the Auditor General's report, no one is quite sure. I will make the observation that somewhere on the order of two thirds to three quarters of that money went to salary increases, whether for physicians or nurses or hospital workers or whatever. This is not to argue in the slightest that people working in those professions and jobs did not deserve a salary increase. In many cases, wages had been frozen for a very long time.

I mention this observation to argue that we believe our money ought to be very clearly targeted, and targeted in a way that avoids, as much as possible, the impossible situation where both federal and provincial governments try to manage hospitals. The reality is that we tried it from 1967 to 1977. It was a complete disaster, which is why we went to EPF and subsequently to the CHST.

That is why, in looking at the federal-provincial conflict issue, we have done two things. The first is to say, as I pointed out with respect to teaching hospitals, for example, that we would pay 100 per cent of the funding. That would avoid a lot of the federal-provincial conflict that naturally emerges under a 50-50 program or some other cost-sharing program.



Second, with respect to home care and palliative care, we have argued for a 50-50 split. We have done so under quite a different model from the one that existed in the original days of medicare. We have argued for service-based funding for hospitals and for service-based funding for home-care patients, whether they be post-acute or palliative home-care patients. The beauty of this model is that the federal government would in no way be involved in the delivery of the service. All the federal government would be doing is paying 50 per cent of the cost. The per diem cost would be a negotiated number, the details of which caused all the problems before, when federal and provincial bureaucrats used to argue about things being included or excluded. It was an impossible situation. By moving to service-based funding, and saying we will pay 50 per cent of the service-based funding for palliative care and home care, we have reduced the federal-provincial issue to simply an accounting issue based on the number of days. The old-fashioned type of federal-provincial conflict would simply not be there.

I find it interesting, honourable senators, that since the release of our report the majority of health care ministers across the country have commented publicly on it. None of the commentary has been negative. None of the health ministers have raised the jurisdictional issue. They believe we have structured it in a way that will deal with that problem.

Finally, honourable senators, I want to deal with the issue of how change should be funded. Historically, for those who have been in government or have lobbied governments, one goes to government and says: "Here are all the things we want from you. Go find the money." Our committee took the view that that was a cop-out. The words we used two years ago were that that would be ducking the central issue.

We felt that we had to describe to Canadians what \$5 billion would mean, if they were to be asked to pay that money. We looked at the various ways in which federal revenue could be raised, and we came up with a health care premium. Obviously, an individual who does not pay any income tax would not pay the premium. The premium for an individual who pays some federal income tax, at the lowest bracket, would begin at 50 cents a day. An individual whose taxable income exceeds \$103,000 would pay a premium of \$4 a day.

What we did honourable senators was put the funding issue in terms that ordinary Canadians can relate to, relating the premium to income tax bracket. If the government happens to have \$5 billion sitting around and wants to spend it that way, that is obviously its choice. However, we thought it would be irresponsible on our part to propose a huge amount of money and not address the funding issue, even though we knew very well that the main reaction to our report would be focused on the funding issue.

That has certainly been the case for 10 days, although the coverage in the media is starting to move to our more substantive issues. I do not think any of us on the committee regret having done that. In our view, to fail to propose a number like \$5 billion, \$6 billion or \$7 billion and not deal with where the money would come from would be to duck the central issue. We had no intention of doing that.

Honourable senators, those six themes of efficiency, infrastructure, gaps in the safety net, care guarantee, reducing as much as possible federal-provincial conflict, and how change should be funded are the central themes of the report. Every recommendation can be hung on one of those themes.

In concluding, let me make two observations. I have listened to a number of phone-in shows and have participated in some — although not as many as my colleague Senator Fairbairn has. I have also not been abused as much on phone-in shows as she has been. We have, however, begun to get some sense of the mood out there among interest groups, be they nurses, doctors, or other health care professionals. I think our report could be classified as having met what I would call the time-honoured Canadian test of equalized unhappiness. By that, I mean that most people like 75 or 80 per cent of the report, and they all like a different 75 or 80 per cent. They are all willing to swallow the 20 to 25 per cent they do not like in order to get the 75 or 80 per cent they do like, which I think is what equalization is all about.

In that context, it is interesting that every major group that has spoken up has been overwhelmingly laudatory about the report's recommendations. They all agree that it is time for change, they all agree that restructuring is necessary, they all agree simply pumping more money into the existing system would be absolutely the wrong thing to do.

They all want to quibble with bits and pieces, which are the 20 or 25 per cent they do not like, and that is fine. However, there has not been any real attack on the report as a whole.

• (1700)

One senses that not only did we meet the principle of equalized unhappiness, but that we also met the other unwritten objective of the committee, because we recognized there was not much sense in doing a study if the findings were so impractical that they could not be implemented or put into place. Therefore, the committee tried to come forward with a set of proposals that we would describe as being just inside the outer edge of political feasibility. By that I mean we would push the system as far as we could towards what we described as the very outer edge of political feasibility, and stay just inside that limit. One gets the sense from the reaction of various interest groups across the country and from provincial governments on down, that we probably did a good job of judging where that outer edge of political feasibility is situated.

Finally, I would make one other comment, honourable senators. There is no perfect solution to this problem. This is not a problem with a solution that everybody will love. That does not exist. This problem is not a perfectly solvable one. By the way, it is not a solvable problem, as we said, without the care guarantee. In our view, there is no question that, within the next five years, without a care guarantee, the courts will make decisions that will ultimately lead rapidly to a parallel private system.

The time has come for people to do two things: One is to be willing to compromise in the interest of dealing with the issue; and the other is for federal and provincial governments to have the courage to do some difficult things, to take on the system, to be willing to challenge some of the entrenched interests who will go to great lengths to protect their own position.

In the absence of tackling any element of fundamental change, without any restructuring, the net result will be that one of the institutions in this country which all of us care about — and I will say, speaking personally for the members of the committee, that we have come to care absolutely passionately about in the last two and a half years — will collapse. If the attitude following the First Ministers' Conference, which is dump more money into the situation, continues, then the institutions will inevitably collapse.

Those of us on the committee have spent two and a half years fighting hard to avoid that outcome. I would say to every member of this chamber, to the extent that you can help us sell those two messages, which are that restructuring is necessary and just dumping money in is not the answer, that would be extremely helpful. In our view, to do those two things is a recipe for causing Canada to lose one of those things that all Canadians and all members of the committee care very passionately about.

I thank honourable senators for their attention.

**Hon. Senators:** Hear, hear!

**Hon. Leonard J. Gustafson:** Honourable senators, might the honourable senator entertain a question?

**Senator Kirby:** Of course.

**Senator Gustafson:** Coming from Saskatchewan, where medicare was born, and wondering how I could incorporate the subject of agriculture into this debate, I shall put my question as follows: As I was sitting on the combine listening to all of the radio programs that were dealing with this subject, what came across to me was that in the United States the average stay in hospital is three days, while in Canada the average stay is seven days. I would like the honourable senator's comments on that. He referred to this in his speech.

In Saskatchewan, physician fees were tried by a government that was defeated. Are user fees a possibility?

**Senator Kirby:** We are adamantly opposed to user fees.

One could argue that one could be opposed to user fees merely on the grounds that it is not politically saleable. The real problem with user fees is that they do not work.

I will come back to the comment related to the U.S. in a moment.

With respect to issues such as user fees, one cannot learn anything from the experience of the United States in the sense that it is not only the most expensive system in the world but it also

produces the ninth, tenth or eleventh worst outcomes in all the industrialized nations. They will spend four or five per cent more GDP than Canada does and end up with worse outcomes. It is hardly something we can learn from.

The real problem with user fees is that, first, they act as a deterrent for people of lower incomes to seek medical help. On the simple grounds of equity, it is not the right thing to do. Second, on the grounds of efficiency, it is a stupid thing to do. By the time people do go for treatment, long after their situation has deteriorated, the cost of providing them with treatment is more than it would have been had they been dealt with earlier. In any event, we categorically ruled out user fees on the grounds of equity. I would also make the observation that they are also bad from a medical policy standpoint.

The honourable senator's first comment related to the length of hospital stays. With regard to the length of stay in the U.S., his information may be partly correct. However, I am suspicious of U.S. data. We have attempted to get at that issue precisely through our post-acute home-care program.

There is no parallel between the Canadian and U.S. systems. Even the terminology is different. The way things are measured is different. Better parallels can be drawn with parts of Europe and Australia rather than the U.S.

**Senator Gustafson:** I was negligent in not commending the committee and the honourable senator for the fine job they have done. I think every senator in this place is proud of the work done by the committee.

However, coming from Saskatchewan where "Romanow" is a well-known name, I must ask how the honourable senator thinks he can sell what the committee has done.

**Senator Kirby:** Honourable senators, that is a good question. I guess the answer is that we need all the help we can get. All members of the committee have given interviews. We all have a number of speeches lined up between now and the Christmas break. Committee members made an attempt to talk to individual premiers and health ministers prior to the release of the report, which I think is one of the reasons they were able to give a knowledgeable response when the report came out. Ultimately, this issue is really in the hands of the Canadian people.

Mr. Romanow will have another view. By the way, I would be surprised if we do not cover many of the same topics. Our means to a solution may be different; but I would be surprised if, directionally, we do not have a similar view on many topics.

I think that it will come down to the federal government and the provincial governments, in particular the First Ministers' Conference. Out of that, there will subsequently be a federal budget. Members of this chamber cover the country geographically and we are influential locally to the extent that we can get the message out that the worst mistake that could be made would be to simply dump more money in because all that does is delay the resolution of problem and make the waiting lines longer.

[ Senator Kirby ]



The time has come to stop talking and stop studying, and bite the bullet and make some fundamental changes. Every member of this chamber and various other professional organizations across the country must do a selling job. We gave briefing notes and a terrific power point presentation in both official languages. We have all kinds of material. If this material would help anyone, all they need do is contact the clerk of the committee, and she will have it available for them in a moment.

**Hon. Marcel Prud'homme:** Honourable senators, I have more of a comment than a question. It is at times like this that I regret that we do not have television coverage of our debates or at least some of them so that Canadians could judge the seriousness of the work that is done here after watching what takes place in the other chamber.

**Hon. Douglas Roche:** Senator Kirby knows and will recall that I gave my full support to the report and all its recommendations. I stand behind that now. I would also like to commend Senator Kirby for his leadership of the committee and the manner in which he has presented the report.

That being said, honourable senators, I wish to ask the honourable senator if he will comment on a concern that I carry forward from our deliberations. This concern revolves around the variable premium that we have recommended. It is being interpreted as a tax. Whatever it is, it is extra money that Canadians will have to pay to improve the health care system and add the services we think are necessary and that Canadians want. My point is that this premium is, in effect, a tax.

• (1710)

Another main line of activity or interest in our country at this moment is also claiming the need for \$5 billion or \$7 billion, and that is the need for military expenditures. I do not want to be interpreted as being opposed to increases in military expenditures. That is a debate that will be conducted in the other place. However, it is a fact that those who espouse an increase in the defence budget are not asking for a variable premium or an extra tax or collection from the Canadian people. They are saying that it should be built into our system of complete taxation. It is also a fact that increased defence expenditures are to enable the Canadian Forces to fight wars abroad that are not of Canadian making.

Honourable senators, my concern is that we are asking Canadians to pay extra for health care, which is an integral and central part of the value system of our country, but I do not hear us asking for a premium or a means by which Canadians can pay for an increased defence budget. That concerns me and other people with whom I have spoken. Can Senator Kirby help me resolve this dilemma, which is real in my mind?

**Senator Kirby:** I thank the Honourable Senator Roche for his question. I should say that Senator Roche was the independent senator on our committee. He contributed extensively to our hearings and was helpful in dealing with the issues we covered.

There is, of course, no answer from the committee on the issue of whether the federal government should spend money on one thing or another. Obviously, that is a spending priority decision that must be taken by the government as a result, at the very least in the health care case, of an extensive federal-province process culminating in a first ministers' conference. Thus, it is impossible for the committee to get into the issue of whether money should

be spent on Kyoto, on health or on defence. Had we done that, we would have gone way beyond our order of reference, which was to deal with the health care system.

We did not say, unlike defence, that we need another several billion dollars and that that several billion dollars must come out of existing revenues. Our view was that it would be irresponsible for us to not match revenues with expenditures in some way. If we are to demand extra money from government, then we ought to indicate to the Canadian people where it will come from or how it can be raised if the government does not have it.

We did one other thing that I did not mention in my remarks. We said that we know Canadians will not be prepared to pay any more money for health care unless they can be assured that the money actually will be spent on health care. As honourable senators have seen from the Auditor General's reports, getting that assurance is difficult. We proposed that if extra money is to be raised from Canadians for health care, there must be an earmarked revenue-raising scheme, the same way CPP contributions are earmarked, and that the money out of that fund must come to the government on the advice of the health care commissioner and the associated national health care council. At end of the year, that advice must be made public because it will be more difficult for the Minister of Health to change the advice if he or she knows that the advice will be public. Finally, the actual expenditures out of the fund must be audited by the Auditor General. In other words, we tried to put the money as much out of reach of other parts of the federal government as it was possible to do. Effectively, we put it into a lockbox to be spent on health care and health care only. We believe that this step was necessary to encourage Canadians to make a contribution. We had to convince them that the money would be spent for health care. We did that and we believe it is the right way to go.

The issue of arguing whether the money should be spent on one thing or another is not our problem. Our problem is to categorically ensure that the health care system is properly funded and is not left to the vagaries of a federal budget from which someone can arbitrarily, because of financial difficulty, decide to cut transfers for health. We must isolate the money from that kind of process.

Because it was outside our mandate, we did not tell nor would we presume to tell the government how it should choose between competing authorities, but we decided that we should tell the government how it could match our expenditure plan with a revenue plan, if it did not already have the money.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, in moving the adjournment of the debate in the name of Senator LeBreton, I, too, join with all senators in congratulating the members of the Standing Senate Committee on Social Affairs, Science and Technology for a study that is causing a fairly wholesome debate, not only in this place but across the country. As I was driving from Saint John, New Brunswick, to Fredericton Sunday evening, I was pleased to listen in on the conversations between Rex Murphy and Senator Kirby. I was intrigued by the number of comments that came from the grassroots across Canada, to use a phrase of one political observer in the country from the other place.

On motion of Senator Kinsella, for Senator LeBreton, debate adjourned.

• (1720)

## THE SENATE

### MOTION REQUESTING GOVERNMENT RESPONSE TO NATIONAL SECURITY AND DEFENCE COMMITTEE REPORT—REFERRED TO COMMITTEE

**Hon. Jane Cordy**, pursuant to notice of October 8, 2002, moved:

That within 150 days, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled *Defence of North America: A Canadian Responsibility* tabled on August 30, 2002.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I move that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, which is currently studying government responses to a Senate committee report. It could all be studied together.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

## BANKING, TRADE AND COMMERCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS—DEBATE ADJOURNED

**Hon. E. Leo Kolber**, pursuant to notice of October 30, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study the public interest implications for large bank mergers on:

- Access for Canadians throughout the country to convenient and quality financial services;
- The availability of financing for individuals and businesses, particularly small and mid-sized businesses;
- The Canadian economy and the ability of Canadian business to compete internationally;
- Communities and bank employees; and
- Any other related issues;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the Committee submit its final report no later than March 31, 2003.

**The Hon. the Speaker:** Is it your pleasure, honourable senators to adopt the motion?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Could the honourable senator please explain?

**Senator Kolber:** What would my honourable friend like to have explained?

About three weeks ago, honourable senators read that a proposed bank merger was for some reason turned down. I do not know the exact circumstance; I only know what I read in the paper.

Minister Manley called me and said that he and the Secretary of State for Financial Institutions, Mr. Bevilacqua, would send a letter to my committee and to Sue Barnes, who heads up the Commons Finance Committee. The purpose of the study would be to interpret part of Bill C-8, which honourable senators will recall we passed last year, which was the large financial legislation bill.

That bill, honourable senators, said essentially that mergers would be entertained, but three main tests had to be passed, not necessarily the way they were set out in the bill. The first was a prudential test to ascertain whether the ensuing entity would be financially viable. The second was a test to determine if there would be sufficient access by Canadians to places where they could do their banking business. The third test was meant to determine if the merger was in the public interest. That was never defined. I have my own ideas on the subject. Some eminent academics in this country have written extensively on this subject, whose works I have read and to whom I have spoken. The bottom line is this: Do we have a viable banking industry? Can we maintain the status quo? Our committee will delve into those issues and will attempt to define the national interest.

**Senator Kinsella:** Honourable senators, I wish to thank the Honourable Senator Kolber for his explanation. In participating in the debate on the motion, I should like to make a few observations.

First, we are fortunate in having a Standing Senate Committee on Banking, Trade and Commerce that is composed of senators who are knowledgeable in this field and who do excellent work under the leadership of Senator Kolber. As I understand it, this study is a continuation of a mandate that flows in part from Bill C-8 in the last Parliament.

My understanding as a consumer and layperson in this field is that if one were to look at our banks in terms of how they could best compete in the global market, one would find that Canadian banks do quite well in Canada. It is when they enter into fields outside of Canada that sometimes they have difficulty competing. Many of the losses that banks incur are not incurred so much in Canada as outside of Canada. I have often wondered that if it is true that Canadian banks do very well in Canada and not so well outside of Canada, are Canadians in effect underwriting these adventures that Canadian banks enter into outside of Canada? I support our committee, which has this technical knowledge, studying the public interest of mergers, and no doubt this concern will be addressed.



The apparent contrary positions around this issue that are held between the Prime Minister's Office on the one hand and the Office of the Minister of Finance on the other have left me somewhat confused as a layperson. If our Banking Committee were able to look at this question and bring some clarity to it, then I would find that to be a laudable objective in and of itself.

In terms of a minister of the Crown making a request to the Senate that we conduct a study in some policy area — and I know there is more to the circumstances around the letter that came from the Minister of Finance to Senator Kolber — I think it is terribly important for us to distinguish between the role of the minister in the exercise of his or her executive power and the tremendous support given to that executive by the ministry. The ministry has tremendous resources to conduct the studies and inquiries that it wants to have conducted. We, as part of the legislative branch, want to be very careful. We do not have the resources to do policy development studies that perhaps would be more appropriately conducted by the executive branch as opposed to the legislative branch.

Those are a few of my own thoughts on this matter. If other senators wish to speak, they will. At the end of the debate today, I would wish to move the adjournment of the debate in the name of the Honourable Senator Tkachuk.

**Senator Kolber:** The honourable senator's points are well taken. He should keep in mind that when Bill C-8 was before us, the proposed legislation at the time said that if a merger was requested, the Minister of Finance — at that time, Mr. Martin — would have to consult with the House of Commons but not with the Senate. Thus, we said that we really believe as a committee that the Minister of Finance in the case of a bank merger should not consult with Parliament altogether. For example, in the United States, Treasury Secretary Rubin was in charge of that. They never went to Congress, and we said, "Don't go to Parliament." However, they insisted, so we said, "Okay, but if you want us to pass this bill, then you will have to change and consult Parliament, not just the House of Commons."

In a sense, we are hoisted by our own petard. The minister is consulting. The ministry obviously has larger resources than do we.

By the way, we are not obliged to do this. I think the minister feels that we would give a more independent viewpoint than his own department. It is an interesting opportunity for the Senate to do some worthwhile work in this area.

• (1730)

**Hon. Marcel Prud'homme:** Honourable senators, I shall be brief. I was impressed by the views expressed by Senator Kinsella. I am the latest addition to the prestigious Banking Committee. I am happy to serve with Senator Kolber, from whom I learn much. I also learn much from Senator Tkachuk. It will be interesting for honourable senators to know that all members of the official opposition in attendance at that meeting were in full agreement that we should do this study. I was at the meetings where Senators Tkachuk, Kelleher, Meighen and Angus enthusiastically supported the motion put to us by the chair, Senator Kolber.

I would hope that we could dispose of this motion this week. We will adjourn for a week and we would like to be the first to have an opportunity to address this matter before someone else in another chamber decides to pre-empt us. I urge the four

representatives of the Conservative Party of Canada, the official opposition, to dispose of the matter this week. At our last meeting we all endorsed this motion.

On motion of Senator Kinsella, for Senator Tkachuk, debate adjourned.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Tommy Banks,** pursuant to notice of October 31, 2002, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Tommy Banks,** pursuant to notice of October 31, 2002, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## FISHERIES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CHANGE NAME TO FISHERIES AND OCEANS REFERRED TO COMMITTEE

**Hon. Gerald J. Comeau,** pursuant to notice of October 30, 2002, moved:

That rule 86(1)(o) of the Senate be amended to read:

"The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries and oceans generally."

He said: Honourable senators, I move that this motion be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

That the Clerk's Accounts, tabled on Thursday, October 31, 2002, be referred to the Standing Committee on Internal Economy, Budgets and Administration.

**CLERK OF THE SENATE**

2002 ANNUAL ACCOUNTS REFERRED TO INTERNAL  
ECONOMY, BUDGETS AND ADMINISTRATION  
COMMITTEE

Motion agreed to.

**Hon. Lise Bacon**, pursuant to notice of October 31, 2002,  
moved:

The Senate adjourned until Wednesday, November 6, 2002, at  
1:30 p.m.

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## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

**THE SPEAKER**

The Honourable Daniel P. Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Sharon Carstairs, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable John Lynch-Staunton

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Blair Armitage (Act.)



## THE MINISTRY

According to Precedence

(November 5, 2002)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vancilief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Wayne Easter	Solicitor General of Canada
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)

## SENATORS OF CANADA

## ACCORDING TO SENIORITY

(November 5, 2002)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow . . . . .	Saskatchewan . . . . .	North Battleford, Sask.
Edward M. Lawson . . . . .	Vancouver . . . . .	Vancouver, B.C.
Bernard Alasdair Graham, P.C. . . . .	The Highlands . . . . .	Sydney, N.S.
Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver, B.C.
Willie Adams . . . . .	Nunavut . . . . .	Rankin Inlet, Nunavut
Lowell Murray, P.C. . . . .	Pakenham . . . . .	Ottawa, Ont.
C. William Doody . . . . .	Harbour Main-Bell Island . . . . .	St. John's, Nfld.
Peter Alan Stollery . . . . .	Bloor and Yonge . . . . .	Toronto, Ont.
Peter Michael Pitfield, P.C. . . . .	Ottawa-Vanier . . . . .	Ottawa, Ont.
E. Leo Kolber . . . . .	Victoria . . . . .	Westmount, Que.
Michael Kirby . . . . .	South Shore . . . . .	Halifax, N.S.
Jerahmiel S. Grafstein . . . . .	Metro Toronto . . . . .	Toronto, Ont.
Anne C. Cools . . . . .	Toronto-Centre-York . . . . .	Toronto, Ont.
Charlie Watt . . . . .	Inkerman . . . . .	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary, Alta.
Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge, Alta.
Colin Kenny . . . . .	Rideau . . . . .	Ottawa, Ont.
Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal, Que.
Eymard Georges Corbin . . . . .	Grand-Sault . . . . .	Grand-Sault, N.B.
Brenda Mary Robertson . . . . .	Riverview . . . . .	Shediac, N.B.
Norman K. Atkins . . . . .	Markham . . . . .	Toronto, Ont.
Ethel Cochrane . . . . .	Newfoundland and Labrador . . . . .	Port-au-Port, Nfld.
Eileen Rossiter . . . . .	Prince Edward Island . . . . .	Charlottetown, P.E.I.
Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg, Man.
Roch Bolduc . . . . .	Gulf . . . . .	Sainte-Foy, Que.
Gérald-A. Beaudoin . . . . .	Rigaud . . . . .	Hull, Que.
Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver, B.C.
Gerald J. Comeau . . . . .	Nova Scotia . . . . .	Church Point, N.S.
Consiglio Di Nino . . . . .	Ontario . . . . .	Downsview, Ont.
Donald H. Oliver . . . . .	Nova Scotia . . . . .	Halifax, N.S.
Noël A. Kinsella . . . . .	Fredericton-York-Sunbury . . . . .	Fredericton, N.B.
John Buchanan, P.C. . . . .	Nova Scotia . . . . .	Halifax, N.S.
John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville, Que.
James Francis Kelleher, P.C. . . . .	Ontario . . . . .	Sault Ste. Marie, Ont.
J. Trevor Eyton . . . . .	Ontario . . . . .	Caledon, Ont.
Wilbert Joseph Keon . . . . .	Ottawa . . . . .	Ottawa, Ont.
Michael Arthur Meighen . . . . .	St. Marys . . . . .	Toronto, Ont.
J. Michael Forrestall . . . . .	Dartmouth and Eastern Shore . . . . .	Dartmouth, N.S.
Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli, Man.
A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina, Sask.
Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec, Que.
Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert, Man.
Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal, Que.
Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun, Sask.
David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon, Sask.



Senator	Designation	Post Office Address
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Chestermere, Alta.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.

## SENATORS OF CANADA

## ALPHABETICAL LIST

(November 5, 2002)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérard-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib



Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
 (November 5, 2002)

**ONTARIO—24**

Senator	Designation	Post Office Address
<b>THE HONOURABLE</b>		
1 Lowell Murray, P.C. . . . .	Pakenham . . . . .	Ottawa
2 Peter Alan Stollery . . . . .	Bloor and Yonge . . . . .	Toronto
3 Peter Michael Pitfield, P.C. . . . .	Ottawa-Vanier . . . . .	Ottawa
4 Jerahmiel S. Grafstein . . . . .	Metro Toronto . . . . .	Toronto
5 Anne C. Cools . . . . .	Toronto-Centre-York . . . . .	Toronto
6 Colin Kenny . . . . .	Rideau . . . . .	Ottawa
7 Norman K. Atkins . . . . .	Markham . . . . .	Toronto
8 Consiglio Di Nino . . . . .	Ontario . . . . .	Downsview
9 James Francis Kelleher, P.C. . . . .	Ontario . . . . .	Sault Ste. Marie
10 John Trevor Eyton . . . . .	Ontario . . . . .	Caledon
11 Wilbert Joseph Keon . . . . .	Ottawa . . . . .	Ottawa
12 Michael Arthur Meighen . . . . .	St. Marys . . . . .	Toronto
13 Marjory LeBreton . . . . .	Ontario . . . . .	Manotick
14 Landon Pearson . . . . .	Ontario . . . . .	Ottawa
15 Jean-Robert Gauthier . . . . .	Ottawa-Vanier . . . . .	Ottawa
16 Lorna Milne . . . . .	Peel County . . . . .	Brampton
17 Marie-P. Poulin . . . . .	Northern Ontario . . . . .	Ottawa
18 Francis William Mahovlich . . . . .	Toronto . . . . .	Toronto
19 Vivienne Poy . . . . .	Toronto . . . . .	Toronto
20 Isobel Finnerty . . . . .	Ontario . . . . .	Burlington
21 Laurier L. LaPierre . . . . .	Ontario . . . . .	Ottawa
22 David P. Smith, P.C. . . . .	Cobourg . . . . .	Toronto
23 . . . . .	. . . . .	
24 . . . . .	. . . . .	



## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber . . . . .	Victoria . . . . .	Westmount
2 Charlie Watt . . . . .	Inkerman . . . . .	Kuujuaq
3 Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal
4 Roch Bolduc . . . . .	Gulf . . . . .	Sainte-Foy
5 Gérard-A. Beaudoin . . . . .	Rigaud . . . . .	Hull
6 John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville
7 Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec
8 Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal
9 W. David Angus . . . . .	Alma . . . . .	Montreal
10 Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec
11 Lise Bacon . . . . .	De la Durantaye . . . . .	Laval
12 Céline Hervieux-Payette, P.C. . . . .	Bedford . . . . .	Montreal
13 Shirley Maheu . . . . .	Rougemont . . . . .	Ville de Saint-Laurent
14 Lucie Pépin . . . . .	Shawinigan . . . . .	Montreal
15 Marisa Ferretti Barth . . . . .	Repentigny . . . . .	Pierrefonds
16 Serge Joyal, P.C. . . . .	Kennebec . . . . .	Montreal
17 Joan Thorne Fraser . . . . .	De Lorimier . . . . .	Montreal
18 Aurélien Gill . . . . .	Wellington . . . . .	Mashteuiatsh, Pointe-Bleue
19 Raymond C. Setlakwe . . . . .	The Laurentides . . . . .	Thetford Mines
20 Yves Morin . . . . .	Lauzon . . . . .	Quebec
21 Jean Lapointe . . . . .	Sauvel . . . . .	Magog
22 Michel Biron . . . . .	Milles Isles . . . . .	Nicolet
23 Raymond Lavigne . . . . .	Montarville . . . . .	Verdun
24 . . . . .	. . . . .	

## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10		

## NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9		
10		

## PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4		



## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Richard H. Kroft . . . . .	Manitoba . . . . .	Winnipeg
6 . . . . .		

## BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Edward M. Lawson . . . . .	Vancouver . . . . .	Vancouver
2 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
3 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
4 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
5 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
6 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver

## SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow . . . . .	Saskatchewan . . . . .	North Battleford
2 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
3 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
4 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
5 John Wiebe . . . . .	Saskatchewan . . . . .	Swift Current
6 . . . . .		

## ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Nicholas William Taylor . . . . .	Sturgeon . . . . .	Chestermere
4 Thelma J. Chalifoux . . . . .	Alberta . . . . .	Morinville
5 Douglas James Roche . . . . .	Edmonton . . . . .	Edmonton
6 Tommy Banks . . . . .	Alberta . . . . .	Edmonton

## SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody .....	Harbour Main-Bell Island .....	St. John's
2 Ethel Cochrane .....	Newfoundland and Labrador .....	Port-au-Port
3 William H. Rompkey, P.C. ....	Labrador .....	North West River, Labrador
4 Joan Cook .....	Newfoundland and Labrador .....	St. John's
5 George Furey .....	Newfoundland and Labrador .....	St. John's
6 George S. Baker, P.C. ....	Newfoundland and Labrador .....	Gander

## NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston .....	Northwest Territories .....	Fort Simpson

## NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams .....	Nunavut .....	Rankin Inlet

## YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen .....	Yukon Territory .....	Whitehorse



## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of November 5, 2002)

\*Ex Officio Member

## ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Robertson

## Honourable Senators:

Carney,	Christensen,	* Lynch-Staunton,	Sibbeston,
* Carstairs,	Gill,	(or Kinsella)	St. Germain,
(or Robichaud)	Hubley,	Pearson,	Stratton,
Chalifoux,	Leger,	Robertson	Tkachuk.

*Original Members as nominated by the Committee of Selection*

Carney, \*Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, \*Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

## AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

## Honourable Senators:

* Carstairs,	Fairbairn,	LeBreton,	Oliver,
(or Robichaud)	Gustafson,	* Lynch-Staunton,	Tkachuk,
Chalifoux,	Hubley,	(or Kinsella)	Wiebe.
Day,	LaPierre,	Moore,	

*Original Members as nominated by the Committee of Selection*

\*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, \*Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

## BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

## Honourable Senators:

* Angus,	Hervieux-Payette,	* Lynch-Staunton,	Prud'homme,
Carstairs,	Kelleher,	(or Kinsella)	Setlakwe,
(or Robichaud)	Kolber,	Meighen,	Taylor,
Fitzpatrick,	Kroft,	Poulin,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

Angus, \*Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, \*Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

## Honourable Senators:

Baker,	Christensen,	Kenny,	Spivak,
Banks,	Cochrane,	* Lynch-Staunton,	Taylor
Buchanan,	Eyton,	(or Kinsella)	Watt.
* Carstairs,	Finnerty,	Milne,	
(or Robichaud)			

*Original Members as nominated by the Committee of Selection*

*Baker, Banks, Buchanan, \*Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, \*Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

## FISHERIES

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

## Honourable Senators:

Adams,	Cochrane,	Johnson,	Meighen,
Baker,	Comeau,	* Lynch-Staunton,	Moore,
* Carstairs,	Cook,	(or Kinsella)	Phalen,
(or Robichaud)	Hubley,	Mahovlich,	Watt.

*Original Members as nominated by the Committee of Selection*

*Adams, Baker, \*Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, \*Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

## FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

## Honourable Senators:

Andreychuk,	* Carstairs,	Di Nino,	* Lynch-Staunton,
Austin,	(or Robichaud)	Grafstein,	(or Kinsella)
Bolduc,	Corbin,	Graham,	Setlakwe,
Carney,	De Bané,	Losier-Cool,	Stollery.

*Original Members as nominated by the Committee of Selection*

*Andreychuk, Austin, Bolduc, Carney, \*Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, \*Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*



## HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

## Honourable Senators:

Beaudoin,	Fraser,	* Lynch-Staunton,	Poy
* Carstairs,	Jaffer,	(or Kinsella)	Rivest,
(or Robichaud)	LaPierre,	Maheu,	Rossiter.
Ferretti Barth,			

*Original Members as nominated by the Committee of Selection*

*Beaudoin, \*Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,  
\*Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.*

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Atkins

## Honourable Senators:

Angus,	Bryden,	Gauthier,	* Lynch-Staunton,
Atkins,	* Carstairs,	Gill,	(or Kinsella)
Austin,	(or Robichaud)	Jaffer,	Poulin,
Bacon,	De Bané,	Kroft,	Robichaud,
Bolduc,	Eyton,		Stratton.

*Original Members as nominated by the Committee of Selection*

*Angus, Atkins, Austin, \*Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,  
Gill, Jaffer, Kroft, \*Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

## LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

## Honourable Senators:

Andreychuk,	* Carstairs,	Jaffer,	Nolin,
Baker,	(or Robichaud)	Joyal,	Pearson,
Beaudoin,	Cools,	* Lynch-Staunton,	Smith.
Bryden,	Furey,	(or Kinsella)	
Buchanan,			

*Original Members as nominated by the Committee of Selection*

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, \*Carstairs (or Robichaud), Cools, Furey,  
Jaffer, Joyal, \*Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

## LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

Bolduc, Forrestall,	Lapointe,	Morin,	Poy.
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*Original Members agreed to by Motion of the Senate**Bolduc, Forrestall, Lapointe, Morin, Poy.*

## NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

Biron, Bolduc, * Carstairs, (or Robichaud)	Cools, Day, Doody, Eyton,	Ferretti Barth, Finnerty, Furey, Gauthier,	* Lynch-Staunton, (or Kinsella) Mahovlich, Murray.
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*Original Members as nominated by the Committee of Selection**Biron, Bolduc, \*Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty, Furey, Gauthier, \*Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

## NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins, Banks, * Carstairs, (or Robichaud)	Cordy, Day, Forrestall,	Kenny, * Lynch-Staunton, (or Kinsella)	Meighen, Smith, Wiebe.
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*Original Members as nominated by the Committee of Selection**Atkins, Banks, \*Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny, \*Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*



## VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighan

Deputy Chair: Honourable Senator Day

## Honourable Senators:

Atkins,	Day,	* Lynch-Staunton,	Meighan,
* Carstairs,	Kenny,	(or Kinsella)	Wiebe.
(or Robichaud)			

## OFFICIAL LANGUAGES

Chair:

Deputy Chair:

## Honourable Senators:

Beaudoin,	Ferretti Barth,	Lapointe,	* Lynch-Staunton,
* Carstairs,	Gauthier,	Léger,	(or Kinsella)
(or Robichaud)	Keon,	Losier-Cool,	Maheu.
Comeau,			

*Original Members agreed to by Motion of the Senate*

*Beaudoin, \*Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, \*Lynch-Staunton (or Kinsella), Maheu.*

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

## Honourable Senators:

Andreychuk,	Grafstein,	Milne	Rompkey,
Bacon,	Joyal,	Murray,	Smith,
* Carstairs,	Losier-Cool,	Pépin,	Sparrow,
(or Robichaud)	* Lynch-Staunton,	Pitfield,	Stratton.
Di Nino,	(or Kinsella)	Robertson,	

*Original Members as nominated by the Committee of Selection*

*Andreychuk, Bacon, \*Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, \*Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

### SCRUTINY OF REGULATIONS (Joint)

**Joint Chair:**

**Vice-Chair:**

**Honourable Senators:**

Biron,	Hubley,	Moore,	Phalen.
Hervieux-Payette,	Kelleher,	Nolin,	

*Original Members as agreed to by Motion of the Senate*

*Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.*

### SELECTION

**Chair: Honourable Senator Rompkey**

**Deputy Chair: Honourable Senator Stratton**

**Honourable Senators:**

Bacon,	De Bané,	Kolber,	Rompkey,
* Carstairs,	Fairbairn,	LeBreton,	Stratton,
(or Robichaud)	Kinsella,	* Lynch-Staunton,	Tkachuk.
		(or Kinsella)	

*Original Members agreed to by Motion of the Senate*

*Bacon, \*Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, \*Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

**Chair: Honourable Senator Kirby**

**Deputy Chair: Honourable Senator LeBreton**

**Honourable Senators:**

Callbeck,	Cordy,	Kirby,	Morin,
* Carstairs,	Di Nino,	LeBreton,	Murray,
(or Robichaud)	Fairbairn,	Léger,	Roche.
Cook,	Keon,	* Lynch-Staunton,	
		(or Kinsella)	

*Original Members as nominated by the Committee of Selection*

*Callbeck \*Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, \*Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*



## TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

## Honourable Senators:

Adams,	* Carstairs,	Graham,	* Lynch-Staunton,
Biron,	(or Robichaud)	Gustafson,	(or Kinsella)
Callbeck,	Eyton,	Johnson,	Phalen,
	Fraser,	LaPierre,	Spivak.

*Original Members as nominated by the Committee of Selection*

*Adams, Biron, Callbeck, \*Carstairs (or Robichaud), Day, Eyton, Fraser,  
Graham, Gustafson, Johnson, LaPierre, \*Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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CANADA

# Debates of the Senate

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37th PARLIAMENT

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VOLUME 140

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NUMBER 16

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OFFICIAL REPORT  
(HANSARD)

Wednesday, November 6, 2002

THE HONOURABLE DAN HAYS  
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, November 6, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### COADY INTERNATIONAL INSTITUTE

**Hon. B. Alasdair Graham:** Honourable senators, it is my pleasure to draw your attention to a special reception being held on November 18, on Parliament Hill, from 4 p.m. to 6 p.m. in the Commonwealth Room, in honour of the Coady International Institute. At the reception, this real Canadian success story will be launching its vision for the future, entitled: "Education for Democracy, Peace and Prosperity."

Established by St. Francis Xavier University in 1959, the institute was named in honour of Rev. Dr. Moses Coady, a great Canadian, prominent social innovator and founder of the Antigonish movement, one of the truly inspirational models of a people-based, self-help approach to development.

After World War II, Dr. Coady broadened the mandate of the movement that he had originated in addressing the poverty of local fishers, farmers and coalminers of the region and began to devote his prodigious energies to the plight of newly emerging nations. In this way, the values, principles and philosophy of the self-help movement, rooted at St. FX developed into global outreach programs which have, over the decades, very significantly focussed on a commitment to empower disadvantaged peoples with the knowledge and the skills they need to shape their own destinies.

When I was a student at St. FX, I used to serve this giant of a man in the priest's refectory. I have always felt privileged to have crossed paths and indeed have had many discussions with an individual whose personal impact on poor fishermen and coalminers from my part of the world would grow to attract community leaders from over 120 countries to the beautiful campus at St. FX.

The international demand for knowledge and how to mould and shape individuals to become masters of their own destiny remains, more than ever, immensely important in today's world. The Coady Institute is a shining example in the creation of a more just and equitable world. I hope all honourable senators will make every effort to attend the reception.

#### NATIONAL 4-H WEEK

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to draw your attention to the fact that this week is National 4-H Week. Across Canada 4-H Clubs will be setting up displays and organizing events to promote their organization.

The 4-H organization helps youth to build leadership and life skills while promoting agricultural awareness. Indeed, the Canadian 4-H program has been essential to life in rural Canada. My home province of Prince Edward Island has close to 900 members and 400 leaders. I should like to commend all of the 4-H leaders across Canada, as they volunteer their time, to put a great deal of effort into the organization's programs and events.

Those involved in 4-H have many opportunities open to them. There is the opportunity to travel, both within and outside of Canada, and to participate in exchanges. Members can also apply for various 4-H scholarships to aid them in post-secondary education.

I believe that 4-H is an important organization and I am happy to see that it is still going strong as it enters into its ninetieth year in Canada. One only needs to hear the motto of the organization to understand the potential value that it can bring to our youth. The motto is: Learn to do by doing.

### ROUTINE PROCEEDINGS

#### FOREIGN AFFAIRS

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Peter A. Stollery:** Honourable senators, I give notice that, at the next meeting of Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be empowered, in accordance with rule 95(3), to sit at 6 p.m., on Monday, November 18, 2002, even though the Senate may be then adjourned for a period exceeding one week.

#### TRANSPORT AND COMMUNICATIONS

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be empowered, in accordance with rule 95(3), to sit at 9:30 a.m. on Tuesday, November 19, 2002, even though the Senate may be then adjourned for a period exceeding one week.

• (1340)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE

**Hon. Tommy Banks:** Honourable senators, I give notice that, tomorrow, I will move:

That the Standing Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and,

That the Committee report to the Senate from time to time, no later than February 28, 2005, and that the Committee retain until March 31, 2005 all powers necessary to publicize its findings.

[Translation]

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I give notice that tomorrow, Thursday, November 7, 2002, I will move:

Pursuant to rule 95(3), that the Standing Senate Committee on Official Languages have the permission to meet at 4 p.m. on Monday, November 18, 2002, for the purpose of discussing its future business, even though the Senate may then be adjourned for a period exceeding one week.

## NATIONAL FINANCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Lowell Murray:** Honourable senators, I give notice that tomorrow, Thursday, November 7, 2002, I will move:

That the Standing Senate Committee on National Finance be empowered, in accordance with rule 95(3), to

sit at 9:30 a.m. on Tuesday, November 19, 2002, even though the Senate may then be adjourned for a period exceeding one week.

[English]

## BANKING, TRADE AND COMMERCE

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. E. Leo Kolber:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Lowell Murray:** Will the honourable senator explain, please?

**Senator Kolber:** Honourable senators, the Banking Committee is in the middle of two major studies. We have a plethora of witnesses to hear in a very short time. Today, we will be hearing from Mr. Thomas d'Aquino of the Canadian Council of Chief Executives, along with two other groups of witnesses, all of which will take a long time. If we do not start, honourable senators, we will not finish. With the indulgence of the Senate, we would like to get to work.

Motion agreed to.

[Translation]

## QUESTION PERIOD

### SOLICITOR GENERAL

#### UNITED STATES DRUG ENFORCEMENT AGENCY— ILLEGAL ACTIVITIES IN CANADA

**Hon. Pierre Claude Nolin:** Honourable senators, my question is for the Leader of the Government in the Senate, and concerns illegal conduct in Canada by a big U.S. agency, the Drug Enforcement Agency.

Honourable senators, on August 1, 2002, the Supreme Court of British Columbia, in *U.S.A. v. Licht*, ordered a stay of legal proceedings in relation to an extradition order by the U.S. authorities relating to Brian Anthony Licht. This individual was wanted by the Drug Enforcement Agency, the DEA, for narcotics trafficking in California.



In support of its decision, the Canadian court invoked the fact that a DEA informant entered Canada illegally on August 21, 1999, in order to carry out a sting operation involving a narcotics sale, culminating in the arrest of Licht in December 1999.

The DEA did not have RCMP authorization to carry out such an operation, as required by an agreement duly signed by Canada and the United States.

I would point out, honourable senators, that the United States denied having acted in this way until February 2002, when forced to admit the contrary by an order from the same court.

The Canadian court has concluded that Mr. Licht was a victim of abuse of procedure, because the DEA's actions on Canadian territory and the U.S. authorities' refusal to disclose vital information on the DEA's operations at the time of the extradition procedures were both contrary to article 7 of the Canadian Charter of Rights and Freedoms. The U.S. government has not appealed. I should make it clear to the senators that the DEA reports directly to the U.S. Justice Department.

In its judgment, the court is highly critical of the DEA's attitude in this case. In paragraph 56 of her decision, the judge writes:

[English]

This conduct is clearly contrary to Canadian sovereign interests.

[Translation]

The judge went on to say, in paragraph 57, and I quote:

[English]

This was not a bona fide investigation being carried out in Canada[...]. The failure to immediately advise the RCMP of this conduct is indicative of further bad faith on the part of the requesting state.

[Translation]

Considering the fact that the Americans show little regard for their legal obligations toward Canada, Canadian laws and particularly our sovereignty, could the Leader of the Government in the Senate indicate to the members of this chamber —

[English]

**Hon. John G. Bryden:** Your Honour —

**The Hon. the Speaker:** Honourable senators, I should draw your attention to the rule that points of order are not in order during Routine Proceedings. However, I assume Senator Bryden might be rising to cite rules that relate to Question Period and a short preamble preceding a question.

**Senator Bryden:** I thought the honourable senator was speaking on an inquiry.

[Translation]

**Senator Nolin:** In order to ensure that all honourable senators understand the importance of the question that I am going to ask to the minister, I deemed it important in my preamble to explain

the scope and the consequences of this decision, which seems to me to be quite strange, given the close relations that Canada and the United States claim to have.

Considering the fact that the Americans show little regard for their legal obligations toward Canada, Canadian laws and particularly our sovereignty, could the Leader of the Government in the Senate indicate to the members of this chamber whether this is an isolated incident, or if similar cases have been brought to the attention of the RCMP or of the Solicitor General of Canada in recent years? In other words, is this common practice in Canada for the DEA?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator has asked a very important question. Regrettably, I must tell him that I cannot answer it.

The minister is aware of the situation. However, he is not prepared to comment at this time. After having provided me with this information in advance, and despite our inquiries on his behalf, that is the extent of what I can tell the honourable senator. However, I can assure him that, as soon as I am given more details about this case, I will make those details available in this chamber.

[Translation]

**Senator Nolin:** Since the *Licht* case exposed the dubious and even illegal DEA activities in Canada, could the Leader of the Government in the house indicate, in due course, whether, in the name of Canada's sovereignty, the federal government has lodged a formal complaint with the U.S. authorities concerning the reprehensible actions of a DEA employee?

[English]

**Senator Carstairs:** Honourable senators, I will certainly pass on the representation of the Honourable Senator Nolin as to what the federal government should do. However, I must repeat: I have no further information to give to the honourable senator at this time. Clearly, he has dealt with an issue of great import between the two nations; an issue in regard to which we need some answers. I will obtain those answers for him at the earliest possible opportunity.

• (1350)

## FINANCE

### COST OF CORPORATE BORROWING

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. The latest monetary policy report from the Bank of Canada acknowledges that Canadian corporations have been slow to finance new investments, and that the banks have been increasingly cautious in their lending practices. The report states that higher risk corporate borrowers are facing increased costs for capital and reduced access to external financing as a result of wider corporate bond spreads, lower equity prices and a reduced supply of bank loans.

This week's *The Economist* has a table that compares the interest rates of the economies of nine countries. Of those nine, Canada now leads the pack with the highest rates on corporate bonds. Indeed, our corporate bond rate is 44 basis points ahead of the economy of the next country on that list, Denmark.

Honourable senators, the monetary policy of the Bank of Canada is primarily concerned with short-term rates. Is the Government of Canada at all concerned that, at the present time, the cost of corporate borrowing in Canada, and thus the cost of investing in new machinery and equipment, exceeds the cost of corporate borrowing of all our major trading partners?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, clearly the Government of Canada is aware of where Canada fits in relation to other nations of similar size and economic distribution. However, as the honourable senator knows, it is not the policy of the Bank of Canada to become involved in that particular area of interest rates. I will certainly inquire further as to whether there is to be a change in that policy but, to my knowledge, no change is anticipated.

#### MONETARY POLICIES OF BANK OF CANADA AND GOVERNMENT

**Hon. Donald H. Oliver:** Honourable senators, I have a supplementary question that relates to an apparent conflict between fiscal and monetary policy. There is a growing speculation that, in the coming months, the government will announce significant new spending measures as the Prime Minister attempts to build his legacy. This speculation has not gone unnoticed by the Bank of Canada. At a symposium sponsored by the Federal Reserve Bank of Kansas City and held in Jackson Hole, Wyoming, the Governor of the Bank of Canada said:

...discretionary fiscal policy can also get governments into trouble if it leads them to neglect their long-run fiscal anchor — particularly since discretionary action is more likely to be associated with an easing in policy than a tightening. This neglect would risk eroding fiscal credibility — the trust that the public has that the fiscal targets will be met.

Honourable senators, in last month's monetary policy report, the Bank of Canada again signaled that it will be slowly raising interest rates as it tightens its monetary policy. The Government of Canada appears set to embark upon an expansionary fiscal policy. In other words, it will slam on the accelerator while the Bank of Canada slams on the brakes.

Does the government take Mr. Dodge's concerns seriously? If so, could the Leader of the Government in the Senate assure honourable senators that they are not about to witness the spectacle of fiscal and monetary policy working in opposite directions?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator asks a number of interesting questions. Anything that the Governor of the Bank of Canada says, the government takes seriously. However, Mr. Dodge's forecasts of wild spending sprees on behalf of the Government of Canada are just not true. The reality is that we have an excellent Finance

Minister who has made it clear that the government will not go into a deficit position. Mr. Manley has stated that the Government of Canada will have a surplus and that, because of increasing activities internationally, there will be a contingency fund to meet any unforeseen expenditures that might not be covered under the usual budgetary practices. The ship is sailing on in quite a normal fashion, as it has done since this government took over and began to balance the books in 1993.

#### HUMAN RESOURCES DEVELOPMENT

##### SURPLUS IN EMPLOYMENT INSURANCE ACCOUNT

**Hon. Terry Stratton:** Honourable senators, my question for the Leader in the Government is on the subject of the Employment Insurance surplus, a surplus that has been collected on the backs of the working people. Over the years, I have asked this question many times. Once again I will try to embarrass the government by pointing out what an incredible surplus is in that account.

In the Public Accounts, the Auditor General has again drawn Parliament's attention to this government's inflated Employment Insurance, EI, account. This marks the fourth time that the Auditor General has raised the issue of how EI premiums are set. As of last March, there was \$40 billion in the EI account, or \$25 billion more than the \$15 billion that the program's actuary says that we would need if there were a downturn. Yet, the surplus in the EI account continues to rise.

In spite of such massive surpluses, EI premiums were set at \$2.25 for 2001 by the Employment Insurance Commission and at \$2.20 for 2002 by Cabinet. The Auditor General noted in the Public Accounts that neither the commission nor the government, in setting these rates, has clarified and disclosed what they consider to be an adequate balance of the account, the time required to reach that level and the factors considered. She went on to state that, accordingly, she is unable to conclude that the intent of the Employment Insurance Act has been observed in setting premium rates.

Could the Leader of the Government in the Senate advise honourable senators as to whether the government has any views at all on what is an adequate balance in the EI account? There is enough in the account today to give everyone a two-year premium holiday and still have enough left to cover a downturn. How high is the government prepared to allow the balance in the fund to climb before it says, enough is enough? Is it \$1 billion, or what is the number?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, interestingly, when the other side was in government in 1993, EI premiums reached a high of \$3. What has happened over the last nine years? Premiums have gone from \$3 to \$2.95 to \$2.90 to \$2.70 to \$2.55 to \$2.40 to \$2.25 and to \$2.20. In addition, the Government of Canada has been able to provide an increase in maternal and paternal benefits from 26 weeks to 52 weeks. Recently, an announcement in the Speech from the Throne gave us hope that there will be a caregiver package for those who look after gravely ill family members.



The government has it right. It has struck a balance between the announced program initiatives which will provide a higher level of service for all Canadians and the continued reduction of EI premiums since 1995.

**Senator Stratton:** Honourable senators, the honourable leader did not answer my question at all. Last Wednesday's economic and fiscal update includes projections on EI benefits and revenues for this year and for the next five years. Unless there is a significant drop in EI premiums, or unless there is a significant expansion of benefits, revenues will continue to outstrip benefits by at least \$2.4 billion to \$3 billion each and every year. Given the current track, EI premiums will exceed benefits by a further \$16 billion on that planning horizon. If that amount were added to the \$40 billion surplus, the total surplus would be a staggering \$56 billion.

Honourable senators, EI premiums are collected on the backs of working Canadians and those who employ them. How can the government justify adding an additional \$16 billion surplus to the EI account?

• (1400)

**Senator Carstairs:** Honourable senators, as I have indicated to the honourable senator, there is a balance to be struck between increasing benefits and reducing premiums. The government has been consistent. It has added benefits. It has also reduced premiums.

The government has announced premium reductions on a regular basis, and I suspect that another EI premium reduction will be announced soon. The government believes that it is responsive, and it will continue to be responsive to the needs of Canadians in our work force.

**Senator Stratton:** The government is using the EI account, which stands at \$40 billion today, to cover other costs, and then it brags about surpluses. The honourable senator still has not answered my question: When is enough, enough? When will the government call a halt to this rape?

**Senator Carstairs:** Honourable senators, the honourable senator has not been listening carefully. I have gone over with him the consistent reduction in the rates by this government since 1995.

**Senator Stratton:** Despite that, there is still a \$40 billion surplus.

## THE SENATE

### RATIFICATION OF KYOTO PROTOCOL

**Hon. Gerry St. Germain:** Honourable senator, my question is to the Leader of the Government in the Senate. The government has clearly expressed that ratifying the international Kyoto Protocol is a national priority of the Liberal government. Yesterday, the minister said that the government planned to examine the Kyoto Protocol, which essentially addresses the reduction of carbon dioxide. The plan would be to examine the protocol in Committee of the Whole in this place. The government further said that honourable senators would be asked to fast-track the approval before we recess for the Christmas break.

Given the government's current deficit of parliamentary business in the other place and in this place, and given that the government side in this place has said repeatedly that the Senate establishes its own rules and sets its own agenda, will the minister respect yesterday's calls from honourable senators to bring in witnesses and begin the process of an in-depth examination of this international agreement today?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must say no to the honourable senator because negotiations are ongoing, as he knows. There are meetings taking place this week, and meetings are scheduled in two weeks' time with the provinces. An attempt is being made to help everyone understand the plan that has been outlined by the Government of Canada. As well, to the extent possible, we want participants from the private sector, as well as from government sectors, to understand the impacts of the Kyoto Protocol. When that plan has met those targeted objectives, there will be a discussion and debate in this chamber, as there will be in the other place.

## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL

**Hon. Gerry St. Germain:** Honourable senators, I listened carefully. We are informed that there will be further discussions with the provinces, not necessarily seeking their approval or their support, but basically hoping that they will understand the Liberal position.

The honourable minister was born in Nova Scotia but has lived in Manitoba and was the leader of the provincial Liberals in Manitoba. She has a thorough knowledge of Western Canada from her experiences.

Does the honourable leader realize that this is no different, and could have an even more severe negative reaction, than the infamous Trudeau National Energy Policy?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let us continue with my biography. I have also lived for 12 years in the province of Alberta, where my husband was an oil and gas lawyer. I have a good understanding of the impact of that particular industry on this nation. Also, I have had discussions, as recently as this morning, with individuals representing the oil industry in that province regarding their concerns about the Kyoto Protocol.

These meetings with the provinces are taking place not to convince them that the Government of Canada has the right plan, at this point in time, but to ferment and develop a plan with which the provinces can concur and support as well as the private sector, inasmuch as they can support it.

It is clear that the participation of industry and of the provinces was running at a very slow pace, until the Prime Minister indicated that there would be a ratification vote. That has heated up the level of discussions and the participation in the discussions. We would all hope to come to an agreement that would meet the greatest needs of all Canadians, no matter where they live.

**Senator St. Germain:** Honourable senators, the Leader of the Government says that the meetings should produce fermentation. I agree. It will end up being a very sour deal because all indications are that it is going to be rammed down the throats of Canadians, which will not only have a negative impact on Alberta and British Columbia, the province in which I reside, but also on Nova Scotia and Newfoundland and Labrador.

These areas are just coming into their own. Rather than giving them the opportunity to establish strong economic viability, we will thrust the sword in the heart and soul of the people of Nova Scotia and Newfoundland and Labrador. They have the right to become wealthy "have" provinces. Why would the government deprive the people of Nova Scotia and Newfoundland and Labrador of the opportunity to become "have" provinces, with this type of regressive, international action that has not had Canadian participation?

**Senator Carstairs:** Honourable senators, the people of Nova Scotia and Newfoundland and Labrador do not concur with the honourable senator; neither do the people of his own province. Recent polls have shown that 80 per cent of Canadians want the Government of Canada to ratify the Kyoto Protocol; That only one negative vote in this country is from the province of Alberta.

It is always a pleasure to work with the provincial governments; it would be wonderful to have them onside. However, if I have to have anybody on my side, I want it to be the Canadian people.

**Senator Stratton:** Remember Charlottetown.

## HOUSE OF COMMONS

### VOTE ON MOTION TO ELECT BY SECRET BALLOT CHAIRS OF COMMITTEES—CABINET SOLIDARITY WITH REGARD TO PARLIAMENTARY SECRETARIES

**Hon. Lowell Murray:** Honourable senators, I have a question about the conventions of cabinet government that, if the minister does not wish to extemporize, she may wish to obtain a prepared reply.

I was reflecting on the vote, yesterday, in the House of Commons, on a procedural matter. Cabinet solidarity was invoked for ministers of the Crown. They voted as a unit. However, the whips were not applied to government backbenchers. I believe that, in more than one case, parliamentary secretaries voted with the majority and against the position of the cabinet.

What is the status of parliamentary secretaries on matters for which cabinet solidarity has been invoked? I realize that parliamentary secretaries are not ministers or Privy Councillors. However, they do get paid extra salary for their work on behalf of the executive government, and they take a separate oath, if I am not mistaken.

I would like to know the extent, if any, to which parliamentary secretaries are bound by the convention of cabinet solidarity in a case such as that of yesterday.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is my understanding that parliamentary secretaries are not bound at all by cabinet solidarity, as they are not members of cabinet. The decision with respect to cabinet yesterday was that cabinet would vote together, and that parliamentary secretaries, although I read some media comment with respect to them, were not included in the issue of cabinet solidarity whatsoever.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a response to a question raised in the Senate on October 22, 2002, by Senator Tkachuk, regarding the Francophonie Summit.

## FOREIGN AFFAIRS

### FRANCOPHONIE SUMMIT, 2002— COMMUNIQUE ENDORSING SAUDI ARABIAN PROPOSAL OF LAND FOR PEACE—ATTENDANCE OF LEADER OF HEZBOLLAH—RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

(Response to question raised by Hon. David Tkachuk on October 22, 2002).

Canada joined most of the international community last spring in welcoming the proposal by Saudi Crown Prince Abdullah to offer pan-Arab normalization of relations with Israel in exchange for Israeli withdrawal from the territories occupied in 1967.

The proposal itself was attractive by its very simplicity, but above all it signalled an engagement on Middle East peace by Saudi Arabia, which had heretofore held itself aloof.

Israeli Foreign Minister Peres called the proposal a "fascinating, interesting new opportunity." Israeli President Katsav also expressed interest in it, as he did a week later during his State Visit to Canada, and offered to visit Crown Prince Abdullah in Riyadh to discuss it further.

The proposal is based on the principle of "land for peace" which has underpinned the Middle East Peace Process since the Madrid Conference and the Oslo Agreements, which followed the first *intifada*.

Notwithstanding this, or the many other helpful suggestions made by third countries, it is Canada's policy that an end to the conflict, and a permanent settlement that brings about a just and lasting peace, can only be reached by the two parties themselves.

Sheikh Nezzallah is one of the 18 religious leaders of Lebanon who is regularly present at ceremonies and events of national importance in that country.

No representative of the Canadian Government was consulted in advance on whom the Lebanese Government would invite to the opening of the Sommet de la Francophonie, nor did we expect to be.



The Lebanese Government alone was responsible for the invitations that it issued.

Canada's policy on Hezbollah has not changed. We treat its military wing as a terrorist group, but we are aware of the fact that other elements of the organization play a significant role in the government and social services of South Lebanon.

[English]

## ORDERS OF THE DAY

### CRIMINAL CODE FIREARMS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

**Hon. Herbert O. Sparrow:** Honourable senators, with regard to Bill C-10, I should like begin with a story about being humane to animals.

I had a rat that I wanted to get rid of in one of my sheds. I decided to trap it. I went to a store that supplies items such as traps, and I asked the attendant there if he had any humane traps. He replied, "Yes, we do. What do you need the humane trap for?" I said, "Because I want to catch a rat." He said, "You mean you want a humane trap?" This indicates that I was concerned about being humane even to rats.

I did get the trap. I did catch the rat. I will not tell you how I disposed of it.

I am concerned about Bill C-10 in regard to a number of things. The first criticism I have is that it is an omnibus bill. It deals with two different problems in two different areas. Many of us here have been opposed to omnibus bills for a long time.

Today, I will speak only to the part about cruelty to animals, because the other part, involving gun control, is an issue unto itself. I am sorry it did not come in as an amending bill on its own, as there are many issues there.

Most people are opposed to animal cruelty. I just heard the Leader of the Government say that 80 per cent of people are in favour of the Kyoto Protocol. I heard the same story about 80 per cent of people being in favour of gun control. Eighty per cent of people are in favour of doing something about animal cruelty.

That is right. We do want gun control. Some aspects of it were bad news, however, particularly to native communities and to Western Canada.

Am I in favour of gun control? Of course, I am, but only to some degree. Am I in favour of the Kyoto accord? Yes, I am with the 80 per cent, but whether I support it is questionable because it may contain provisions, or insufficient provisions, that would prevent me from supporting it completely.

The same thing is true of animal cruelty. We are all opposed to animal cruelty. The exception would be 1 to 3 per cent, perhaps, of the population. Are we in favour of preventing cruelty to animals? The answer is, "Of course, yes."

Many of the animal rights extremists whom I have talked to or have read about in the press are opposed to the consumption of any animal. It does not matter what one does, it is cruelty to animals to slaughter them for food purposes or for any other purpose. That carries the argument in favour of animal welfare too far.

Bill C-10 reads that it is a criminal offence for anyone who "kills an animal without lawful excuse."

That wording is very foreign to me because I do not know how one determines, in a particular case, what is a "lawful excuse." How does one decide what the lawful excuse is when one kills an animal? Some honourable senators know that I have been concerned about the explosion of the gopher population in Western Canada. Is that an excuse to kill them? Many people in the nation say, "No, catch them and let them loose somewhere else. You have no lawful excuse for killing that animal in any way, shape or form."

Is there some type of pain that would take place in that regard? Yes, there is. If you shoot, there will be pain, unless the animal is killed instantly. With trapping there will be pain, as with poisoning and drowning.

The need for such killing is crucial, but there are people who say it is not necessary to kill predators. We have many predators in Western Canada. This bill, as it reads now, would prohibit the killing of predatory animals, because one has to determine a lawful reason for it.

It reads, in clause 182.2(1)(d):

...without lawful excuse, poisons an animal, places poison in such a position that it may easily be consumed by an animal...

We are getting back to predators now. We will not, as agricultural people, be able to use that type of control for predators on our farms. We have gone through this on gun control issues. The farmer, in most instances, has to go through great detail to be able to control predators by the normal process of shooting them. That has been taken away from the native community as well as from the agriculture community. We in the agricultural industry are continually having the methods by which we make a living infringed upon.

What about humane societies and veterinarians? Humane societies have to do away with animals because they are in surplus. Adoption is not available for these animals. They are healthy animals. They are not predators. They are now allowed to do away with those animals. What happens to a veterinarian if you take an animal to him and say, "We must dispose of this animal?" He has to dispose of it. However, under this bill, it would be illegal for him or her to do that.

What about a horse who breaks its leg in a gopher hole or on the racetrack? That injury is not life-threatening to a horse because one could tape and repair it so that it could limp for the rest of its life. However, that horse will not live in a normal manner, so we have the right to do away with that horse. Under the bill, we would not have the right to do that. The issue is so involved.

Are we talking about being humane? Yes. Do we talk about humane with regard to human beings? The answer is yes. We have medical operations, and we are in great pain afterwards. Many of us have gone through that. With palliative care, human beings with pain are allowed to suffer that pain. We say that there is nothing that we can do about that, that we will allow that pain. Instances of quick pain for an animal, be it for branding or dehorning, are not covered in the bill. Those types of actions are excluded. That is the danger. The animal rights activists can tell us that it is excluded, and I know very well that they will jump on that aspect immediately. The animal rights people have a place in society; do not get me wrong. Anything you do to animals — dehorning, castrating, branding, any pain to animals — will be unlawful and come under this bill.

• (1420)

I wish I had more time to study the bill. I have not spent as much time as I should. Between now and the time it goes to committee, I hope to have the time to look at it further and interview more people, as well as take part in the committee. I know from my statement of this day that I will never be a member of the committee; however, I can still go and discuss the issues.

I appeal to all senators to look carefully at the repercussions of this bill. I am no different than any of you. I want to be as humane as possible to the entire animal world.

**Hon. Senators:** Hear, hear!

**Hon. Gerry St. Germain:** Senator Sparrow, following your excellent dissertation on this issue, if we look around the Senate and the House of Commons, I will bet that the majority have never witnessed the branding or dehorning of an animal, which are part of the ranching process.

The results of that fact relate to the plight of our Aboriginal peoples. Most people have never spent time on the tundra hunting, which is part of the Northern lifestyle and survival. Yet, the majority of honourable senators have never seen it. We think we are wise and can pass judgment on these people. Senator Joyal worked on the Charter of Rights and Freedoms, which espouses the protection of the rights of minorities. He spoke in depth on this bill and the classification of "animal" in the Criminal Code.

Honourable Senator Sparrow is, I believe, the senior senator in this place. Does he see any possible window of opportunity for these groups of people, so adversely affected by the urban, shallow ignorance of those who pass judgment, to influence the resolution on this issue? Is there any hope of a proper resolution to this issue given the honourable senator's experience of 30 years in this place?

**Senator Sparrow:** Honourable senators, first of all, I am not the senior senator here. Senator Taylor may be older than I am. I may have served the longest, but I am not the senior senator.

**Senator Taylor:** You have more mileage.

**Senator Sparrow:** I have more mileage.

I thank the honourable senator for his question. Of course, there are people who are not aware of the agriculture community, as the honourable senator stated. They are not aware of how it operates. Many of us are not very aware of the problems of the native community in their hunting and fishing practices. I admit that I am not as familiar with it as I should be. There is a basic ignorance out there. The word "ignorance" means lack of information. We are not talking about ignorant people; we are talking about people who are ignorant of the issues involved. There is a selling job to do.

The people opposed to the agriculture industry and animal rights are better organized than perhaps we are now.

As a step toward answering the question, the urban community wants the entertainment value of animals, such as those used in rodeos, fairs and exhibitions. There is also an element out there that believes we should not have those exhibitions, agriculture fairs or horse racing and so on. The finger extends so far into the community affected by animals.

It appears to me that this bill was prepared by people who do not understand the agriculture industry or native hunting and fishing. They do not understand that issue.

When we speak of branding, for example, we say that it is a normal practice, because branding enables the animal to be easily recognized and sorted from horseback when that animal is turned out with other animals owned by other people.

It may be easy to say that it is a reasonable and lawful reason for branding, but for the farmer or the rancher who brands his calves in the spring, not necessarily all those animals go out with other herds. A portion of those animals may stay in the corral where there is no need to brand. They would be caught in this bill because there is no excuse for branding if the animal is kept back. The rancher may not decide which animals will go out until after some time, when he knows what the final usage of that animal will be. A rancher could be caught a month or so later with cattle in the corral that were branded but were not put out to pasture.

This is the type of ignorance that prevails within the total system. As one of the senior senators, I hope that answers the question.

[ Senator Sparrow ]



**The Hon. the Speaker:** Honourable senators, Senator Sparrow's time has expired. There are senators wishing to ask questions.

**Senator Sparrow:** Honourable senators, I ask for leave.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Hon. Eymard G. Corbin:** Honourable senators, I was struck by Senator Sparrow's use of the word "extremists" in relation to animal rights. I had wished he had made a further distinction between animal rights extremists and vegetarians, for example, people who out of their own free choice decide not to make animal flesh part of their diet.

I wonder whether the honourable senator would care to fine-tune his use of the term "animal rights extremist" in the light of other people's choices. Some of the choices are very much cultural in nature. I am worried that his categorization of animal rights extremists could be offensive to some sectors of society inasmuch as they are not as concerned with the eating of flesh as they are with indulging in what they consider to be a healthy diet.

• (1430)

**Senator Sparrow:** Could the honourable senator repeat the question?

First of all, I do not think I used the word "extremist" in that context. If I did, I apologize. There certainly are people concerned with animal rights who are doing a great job as far as animal rights are concerned. I do not argue that at all. Many of the groups are very effective in their concern about animal rights. There are some extremists within that group, but I did not want to tie those people to vegetarians. I do not consider vegetarians extremists. They have decided on a way of life for themselves, and there is nothing wrong with that.

I hope I am making clear that the term "extremist" is not intended to tar all animal rights supporters. It certainly does not tar people who choose to be vegetarians.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I spoke at second reading stage of Bill C-15B, which died on the Order Paper at the end of the first session. The bill has been reintroduced, and I have no intention of delivering again my speech on how lobsters are cooked. Everyone who has heard it no doubt remembers what I said. In fact, I informed the honourable senators at the time that, from now on, we could no longer boil our lobsters any old way, but only with care and due regard for the fundamental rights of lobsters.

Let me read a few lines of Bill C-10 on cruelty to animals. This is a very brief quote from the summary. It says:

This enactment amends the *Criminal Code* by consolidating animal cruelty offences and increasing the maximum penalties.

If we only read the summary, we might get the impression that the lawmakers are only updating existing offences in the Criminal Code and taking that opportunity to increase penalties. But when we read Bill C-10, we realize that they are doing much more than consolidating offences.

At second reading stage, it is important that we get clarification before we vote on the principle of this bill. Why would the State be justified in increasing penalties and creating new offences, and even redefining existing offences? No one has provided us with an answer to these questions. What is criminal law all about? What are we trying to achieve by passing this legislation? Is it to feel better? How far are we prepared to go to feel better?

I have heard several speeches and have read some more about human, commercial and industrial activities affecting animals. Is the intention to ostracize Canadians? No.

The speech I just heard was most eloquent. I did not inquire about these procedures. I suppose that most of us are not interested in bringing to its knees a very major industry in one region of Canada.

What is our objective in adopting this principle? No one has ever demonstrated to us the connection between the bill we are being asked to pass and the principles of criminal law. How does this bill protect individuals?

For the sake of discussion, let us set aside animal rights. The Parliament of Canada acknowledged them a long time ago. The provisions in the Criminal Code relating to cruelty to animals are not a recent addition. What would convince us to change those offences, create new ones and even increase the penalties? What is the connection between animal cruelty and protecting Canadians? The government needs to convince us of the validity of this bill's principle. That has not happened. No one has even attempted to do it. It is a given that we are opposed to animal cruelty and, therefore, that we ought to add these new provisions to the Criminal Code.

When the bill gets to committee, we are going to discover — and have already had an example of this — that it is not just the people with farm animals, but also other Canadians, including academic researchers, who are asking about the legislator's intentions. The bill's sponsor, and the government, have a responsibility to inform us of the intention behind it and to answer the simple question, "why?"

[English]

**The Hon. the Speaker:** Honourable senators, I have a senator who wishes to speak.

Do you have a question, Senator Adams?

**Hon. Willie Adams:** No, I do not.

**Senator Kinsella:** A motion has been introduced.

**The Hon. the Speaker:** Honourable senators, a motion has been introduced, but I have not put the motion, and I have received notice from a senator wishing to speak. I would follow our practice when there is a senator wishing to speak, that he be allowed to do so.

**Hon. Anne C. Cools:** Honourable senators, if a senator wishes to speak, all that he has to do is rise in his place. There is absolutely no need for His Honour to inform us or to receive a message. If a debate on an item on the Order Paper is ongoing, and properly so, a senator who wishes to speak need only rise. It is a very easy matter.

**The Hon. the Speaker:** You are quite right, Senator Cools, nor is there anything wrong with a senator approaching the Chair and indicating he or she wishes to speak.

**Senator Cools:** Honourable senators, actually, there is a lot wrong with it and perhaps we should begin to debate it.

**Hon. George Baker:** Honourable senators, let the record show that I did both. I not only mentioned it to the Honourable Speaker, but I also rose in my place at the appropriate moment.

I decided to say a few words about this bill. After listening to the debate in the Senate and knowing that many senators wish to speak concerning the principle of the bill, I am reminded of the old expression, "This is a job for Superman."

Honourable senators, this bill is a job for the Senate. It is a bill that has been on the go now for several years. I was in the House of Commons for 29 years, and I can recall this bill starting in 1998 and 1999. Honourable senators, it was finally passed in the House of Commons, but the key questions concerning the bill still remain. They are principally legal questions.

I received an e-mail the other day from a retired couple. I imagine every senator got that letter. This retired couple said, "We are retired, we have two cats, and we want you to pass the bill before the Senate because we cannot imagine anyone injuring cats in their home that they own."

To those people, that is the principle of this bill. To honourable senators, there are various principles for this bill. For example, Senator Watt's principle in this bill is how this bill will impact on the people in northern areas of Canada. It is a combination of two bills, gun control and cruelty to animals. I cannot think of any other two pieces of legislation that has had such a dramatic effect on people in rural and northern areas of Canada.

The fact is that seven weeks from now is the deadline for gun registration, and 1.4 million Canadians have not registered their guns yet. That is according to a survey done by the Justice Department itself. There are many amendments to that legislation that the Senate will be considering in committee.

• (1440)

Honourable senators, the reason I say it is a job for the Senate when this bill gets to committee is that, no matter which group of people concerned about this bill you listen to, it removes from the present Criminal Code three defences. They are all under section 429(2) of the Criminal Code, which says that anyone who is charged under any section of the Criminal Code from sections 430 to 446 — and the cruelty to animal sections are presently 445 to 446, to my recollection — shall have available

the defence of legal justification or excuse and colour of right. All the interest groups that we have heard from, including those the House of Commons has heard from, argued that this must be put back in the code because the proposed legislation totally removes it.

Honourable senators, the question is this: Is it needed? Some of the experts who are purporting to support these amendments say it is really not necessary. They say that legal justification and colour of right is available under the common law. Honourable senators, some of us disagree with that. The Supreme Court of Canada disagrees with that, the Court of Appeal of Ontario disagrees with that and, most important to me, the Court of Appeal of Newfoundland disagrees with that. Honourable senators, that is, indeed, serious.

As Senator Nolin says, yes, the penalties are increasing. It now becomes a "hybrid offence." What are "hybrid offences," honourable senators? What really hits me about hybrid offences is that once an individual is charged he or she is fingerprinted, photographed and put on CPIC, not CPAC. Under the Identification of Criminals Act, a hybrid offence is considered to be indictable, right? Absolutely. Here you are, honourable senators, with some fairly serious changes being made to the Criminal Code.

Honourable senators, one thing we can say for certain about Senate committees is the objectivity with which they look at things. Some of the country's foremost legal experts are senators. In fact, one of them was recognized recently by the Canadian Bar Association and was given an international award. The House of Commons does not have the legal experts the Senate has, and never did have in its committees, when examining a piece of legislation like this.

Once this bill is in committee, members of that committee — and I am on the committee — will look at the concerns of Senator Watt, the serious concerns of the university scientific community, the concerns of the farming community and the concerns of the retired couple, who are concerned about their two cats.

**The Hon. the Speaker:** Will the honourable senator permit a question?

**Senator Baker:** Yes.

**Senator St. Germain:** The Leader of the Government in the Senate today said that, according to the polls, most Canadians support the Kyoto Protocol. If people were polled about their support for legislation prohibiting cruelty to animals or were asked if they support the Charter of Rights, their answers would be favourable. These are motherhood issues.

My question to Senator Baker is this: What is driving this policy from the other side, from your perspective? Unless we know what is causing this cancerous type of mentality in legislation, it is tough to deal with it. Something must be dragging this agenda. I was in the other place with the honourable senator, and in cabinet. Some of the things that transpired in my era did not make sense either. It is like gun control. Ask anyone if they believe in gun control. As Senator Sparrow says, who does not?



The honourable senator said today that approximately 1.4 million people have not registered their guns. I am one of them. I will be waiting until the very end. I will live within the law because we are lawmakers, not lawbreakers, but there are over 1 million people waiting to register.

On the question of cruelty, on the animal portion, I accept that I lost on Bill C-68. However, on this cruelty scenario, what could be dragging this agenda?

**Senator Baker:** Honourable senators, I cannot really answer that question. That question can best be answered by reviewing the statements of the Ministers of Justice who proposed this legislation in the past and by reviewing government policy as to how it relates to this particular measure.

As to my being backbencher in the House of Commons, when this started in 1999 and in 2000, honourable senators, I can only refer to the poem *The Charge of the Light Brigade*, which states in part:

Their's not to reason why,  
Their's but to do and die."

**Senator Nolin:** Honourable senators, I thank Honourable Senator Baker for his remarks. I do not know if I am in order to ask a question about debate in the other place; however, if I am wrong, I will be told.

You have explained the defences in the code. I think we should alert our colleagues that if we are to remove a defence from the Criminal Code and say, "We do not need it because the House of Commons is providing for such defence," the court will not think that we are doing it because the common law is already doing it. They will adopt the stance that we are deciding to remove the defences, knowing that the defences were used and we decided not to let the defences be used any more. Is that what we want? I am not sure.

Why are we being asked to do this? It is labelled as "consolidating" the actual offences. However, it is more than that. We all know that. What is the answer to the "why?" Why are we doing that? Is there more cruelty to animals? How does that relate to Canadians and individuals living in Canada and the safety and security of our people?

**Senator Baker:** Honourable senators, again, I cannot answer the question as to why; all I can do is read. I have read a lot of information concerning why the legislation was proposed — that is, the stated reasons. It covers everything, from surveys done with Canadians to concerns by various organizations.

In 1988, the Department of Justice undertook a survey of Canadians as it relates to cruelty to animals of their own volition. That was something that they did out of their own concern about laws that were being broken.

The honourable senator is absolutely correct on the removal of the defences. If one were to speak to a lawyer from the Department of Justice or to the legal policy adviser on this bill at the Department of Justice, a brilliant person, one would be told

that there is no difference between what is presently in the common law and the effect that it would have on the bill if those three specific defences were removed.

• (1450)

That is the problem, and honourable senators should realize that that is the problem that we have. We have differences in the interpretation of the law. However, I think that it only makes sense. Think about it. People who are living in rural areas could click on Quicklaw or Carswell, as many honourable senators have done in their offices, paid for from their budgets. Not many MPs have it, but they should have it so they are able to check the law. When you click on it and you put in "colour of right" and "chickens," or "colour of right" and "fish," or "colour of right" and "environment," all these cases pop up. In *R. v. Jorgenson*, Lamer, in paragraph 6, spells it out, Supreme Court of Canada, 1995. This is a separate defence that involves errors of law, not *facti* but *juris*. That is the Supreme Court of Canada, and that is our Courts of Appeal, and that is what I think we should consider when the bill goes to committee. That is why I say it is for the Senate committee to take those legal questions. We should trust the committee to come back with what is right for all Canadians.

**Some Hon. Senators:** Hear, hear!

**Senator Cools:** Honourable senators, Senator Baker is, to my mind a most experienced —

**The Hon. the Speaker:** I have just been advised by the table, Senator Baker, that your time has expired.

**Senator Baker:** Honourable senators, I would like an extension, if I could.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Cools:** As I was just saying, Senator Baker is, to my mind, a welcome and wonderful addition to this chamber because he has served with distinction in the House of Commons and, in addition, he brings the peculiar experiences of rural Newfoundland to the debate as well.

I have been following with considerable care and attention the entire debate on Bill C-10. This particular debate in this chamber has been characterized by a lack of defence of the bill. As a matter of fact, if one were to read the debate, one would see that speaker after speaker, senator after senator, at this stage of second reading, has been raising questions, objections and problems with the bill. As a matter of fact, if one were to look at the record, it is as though the bill has no defenders.

I wonder if Senator Baker could perhaps comment on this phenomenon. It seems to me that it is an expectation of honourable senators that, as their questions are raised, the government should be giving timely, appropriate and bountiful explanations. It is the duty of the government here in the Senate to provide explanation and clarification as colleagues raise concerns.

Senator Baker is such an experienced member of Parliament and debater, and he was known to be one of finest speakers and debaters in the House of Commons. I wonder if Senator Baker can comment on the fact that in this chamber there is absolutely no defence or explanation of this bill during this process of debate.

**Senator Baker:** Honourable senators, *ignorantia juris non excusat*. Once upon a time, back in Roman times, that maxim was the law. Why was it the law? It was the law because all laws were laws of morality that everyone understood. Today there are so many laws and regulations that a normal, reasoning person does not know what laws and regulations govern them from when they wake up until they go to bed at night. It is getting worse and worse. A hunter in Nunavut, when he walks out through his door in the morning, is wondering what law he has broken.

Therefore, honourable senators, the law has evolved. I never had much time to deal with the intricacies of the law when I was in the House of Commons because I was too enthused about solving Unemployment Insurance problems and things like that. I did not have time to spend on issues like this. However, I do know that as time goes on, we are passing so many new laws and regulations that it is incumbent on the Senate — this is a job for Superman, a job for the Senate, and I think that the Senate is fulfilling that job — to ensure that the Criminal Code so protects Canadians accordingly. In other words, it should recognize officially induced error in law. Officially induced error occurs when someone does not know they have broken the law but they have broken the law, and yet they have checked with an authority who is supposed to know the law and is there to consult with, but the authority is wrong. The person is convicted. That happens many times. It is up to the Senate to do the job that the Commons cannot do, and that is the case in this bill.

We talk of legal justification or excuse and colour of right, and you can take the word “and” and change it to “or” because that is the most recent interpretation of courts of appeal. Those three defences, honourable senators, are very important. They are important to everyone in this country, and we should consider them carefully when allowing a piece of legislation to pass that removes those three defences in the Criminal Code, all because some legal expert in the Department of Justice tells you that it really does not matter.

**Hon. Norman K. Atkins:** Honourable senators, hearing Senator Baker is very refreshing. He makes a lot of sense. My question is whether he will tell the members of the executive council that they have to listen to the Senate if they want to make good sense.

**Senator Baker:** Honourable senators, I did, for a period of 13 months, but then I was removed.

**Hon. Marcel Prud'homme:** Honourable senators, following on what Senator Atkins said, the best proof of what the senator is trying to convey can be found in the Speaker's chambers. It is in Latin and says that order excludes haste and precipitation. The best way for the executive to understand would be for the Senate — and I call on Senator Robichaud to be patient with this

bill, because the more people talk, the more we learn — to go even so far as to say the time has come to say “no” to the chamber, so as to send the exact kind of message to which Senator Atkins was referring?

• (1500)

**Senator Baker:** Honourable senators, section 8(3) of the Criminal Code addresses the issue that all defences available under common law shall apply to the Criminal Code. In this instance, the Senate should say that it is not adequate to merely repeat that phrase in this particular bill. We must ensure that the legislation will provide the protections of legal justification or excuse and colour of right. That was the focus of all of the organized groups who made representations.

Honourable senators, clause 100 of the wildlife species at risk bill reads, “Due diligence is a defence in a prosecution for an offence.” Although some may say that is redundant, I believe it is necessary.

Just a few years ago, section 78.6 was added to the Fisheries Act. That section states that due diligence will be a defence under the act and if someone reasonably and honestly believed in the existence of facts which were true, it would render the person's conduct innocent. That is the definition of colour of right. That is found in the Fisheries Act.

Why would we not include exactly the same definition in this proposed legislation?

**Hon. Gerald J. Comeau:** Honourable senators, in his very pointed speech, Senator Nolin questioned the very principle of this bill. If that is the case, why are we proceeding with this bill? That is at the crux of my question.

If we are to vote on a bill on which we do not know the principle, should we not simply vote against the bill? If we are questioning the very principle of the bill, is there any merit to sending it to committee?

**Senator Baker:** Honourable senators, the tone of the discussion of the principle of the bill depends on which senator is speaking to it.

If I were to ask Senator Nolin what the principle of this bill is, I would bet, honourable senators, that he would say that his concern is that we will pass a bill that excludes three defences.

In assessing any bill, a senator must ask himself or herself: What is the purpose of this bill? We must not forget that the provisions of concern are already contained in the Criminal Code. This bill, however, elevates the punishment provisions found therein.

What is the punishment for common assault? The punishment for common assault, if it is dealt with as an indictable offence, is up to five years imprisonment. For an assault with a weapon charge, which is proceeded with summarily, a person can be sent to jail for eighteen months. What is the penalty for cruelty to animals, should there be a conviction under this proposed legislation? If the charge is dealt with by indictment, the penalty can be five years imprisonment, as is the case with common



assault. If the matter is dealt with summarily, the penalty can be 18 months' imprisonment or/and a \$5,000 fine. If the cruelty is inflicted on a police dog, the amount of the fine can be doubled. The bill contains a punishment that is greater than the punishment in the Criminal Code for common assault against an individual.

The principle of the bill, to some senators, may be seen as the fact that we are removing three defences; to others it may be that we are creating a penalty for cruelty to animals that it is greater than the penalty for a common assault on a human being. The principle is different things to different people. However, our duty is to sit down in committee and make sure that the appropriate words are contained in that bill and that we truly represent Canadians.

**Hon. David Tkachuk:** It was interesting to hear Senator Baker say that there were too many laws and regulations, which is the reason most of us sit on this side of the chamber. Perhaps I should welcome him to this side.

Nonetheless, the honourable senator raises a good point; it is the same point that I raised. Perhaps, because of the issues surrounding gun registration, we should split the bill before sending it to committee. We could then study the amendments related to gun registration separately from the proposed provisions relating to cruelty to animals. To me, that would make more sense. It would also make our work easier because we would not be confusing the two issues.

**Senator Baker:** The honourable senator is correct in saying that there are two distinct issues here. The effects of both measures will have serious consequences for our northern peoples and people in our rural areas.

Some of the changes regarding gun control registration being proposed in this bill are of concern to certain members of this house. Those clauses will be looked at closely, especially the those that will allow non-residents to be exempt from the provision. People from outside the country would be exempt from the provisions of a law in Canada. The Senate committee must decide how to proceed.

As far as gun control is concerned, I must admit, it would be difficult to accommodate some of the changes that honourable senators think should be made. A ruling from the chair would have to apply to a great many of these requests. However, it would not be out of the question. The chair of the committee, a prominent St. John's lawyer, Senator Furey, is a capable leader.

**Senator Tkachuk:** Would the honourable senator be supportive of splitting the bill before it is referred to committee?

**Senator Baker:** As a former chief clerk of the provincial legislature, I would suggest that that cannot be done at this point. It would require an amendment at committee or at report stage.

**Hon. Gérald-A. Beaudoin:** Honourable senators, I follow the honourable senator's reasoning very well. The only course is to refer the bill to committee and for the committee to study everything that has been said in this chamber. The committee can certainly divide the bill. I would, therefore, suggest that it be referred, in due course, to committee.

On motion of Senator Adams, debate adjourned.

• (1510)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### SECOND REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Reports from Standing or Special Committees:

**Hon. Lorna Milne,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, November 6, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

### SECOND REPORT

Your Committee, to which was referred by the Senate on Thursday, October 31, 2002, the motion that for the duration of the present session any select committee may meet during adjournments of the Senate, reports as follows:

Your committee recommends that, for the purpose of rule 95(3), committees of the Senate be permitted to meet at any time on any weekday the Senate stands adjourned during a Senate sitting week.

Respectfully submitted,

LORNA MILNE  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator Milne:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I ask that this report be placed on the Orders of the Day for consideration later this day.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(6th day of resuming debate).

**Hon. David Tkachuk:** Honourable senators, the Speech from the Throne was no surprise to those of us who have followed the career of the current Prime Minister. What surprised many of us is that the legacy wish list took so long — I might add, “gratefully,” in the view of many of us — to see the light of day. His political seers, the homeless, full of wisdom, to whom, I imagine, he still talks on a regular basis, may have caused his delay. This about-turn to fulfil the promises of the Red Book, may also be a result of the outpouring of emotion shown after the death of former Prime Minister Trudeau.

The former Prime Minister had the Constitution and the Charter of Rights and Freedoms to preserve his legacy for all Liberals and for many others who have used the Charter to change the way we do business in our country — some for the better and some for the worse.

While the Prime Minister’s legacy of bringing the deficit under control and restoring the financial integrity of the country is, to my way of thinking, enough to earn him the respect of the history books, this Speech from the Throne reverses course and sends him packing to the Liberals of old who believe that government’s role is to do good for us by using taxpayers’ money to fulfil their own social ambitions, which, to Conservatives, is best left to the people themselves.

My advice to the Prime Minister is, “Do not undo what good you have accomplished for the country. If a few Liberals think that is not enough, forget them. Remember, it took the Conservatives, under Brian Mulroney and Michael Wilson, nine years to get spending under control, to bring down interest rates, and to introduce free trade and the GST. It took Preston Manning and the arrival of the Reform Party to make deficit financing unpopular. You must remember that it took you and Paul Martin four more years to undo the harm that Trudeau and his financial advisors did to this country. Their inflationary spending robbed Canadians of their savings and pensioners of their pensions by 50 per cent over one decade, as surely as thieves in the night. Do not forget, that is the other part of the Trudeau legacy.”

Adding to the Prime Minister’s consternation is the fact that he fears Paul Martin will rewrite the history books to show that he, alone, was the sole deficit fighter. We are witnessing something new in politics in Canada — a man who believes he is the Prime-Minister-in-waiting, turning the screws, whenever possible, on the current Prime Minister. Their once uneasy relationship, which is now outright war, is destabilizing the Liberal Party, about which I have no regret. However, more important, it is destabilizing the country.

From bank mergers to Middle East policy, to terrorism, and to the Kyoto Protocol, this government is in disarray. Unfortunately, no one knows who is really in charge. Further evidence of this is the fact that no one disagrees that the Prime Minister has lost control of his caucus and of his party.

Judging from the bank merger controversy and the unseemly attacks on the government by his Minister of Defence, there is no question but that he is losing control of his cabinet, as well. While the media talk of Mr. Manley’s missteps, or perhaps they were the Prime Minister’s steps, few are discussing the wholesale

condemnation of the Liberal government by the Minister of Defence, who is part of that government. In similar circumstances, the Minister of Defence would resign over the immense policy differences, or the Prime Minister would fire him or her. These, however, are not sane times.

An aide from the Prime Minister’s office phoned a bank official to tell him that bank mergers are off the table. An aide from the Prime Minister’s Office went to Toronto and deleted part of Minister Bevilacqua’s speech relating to bank mergers. Do they not have phones in the Prime Minister’s office? This is what should have happened: “Hi John, this is Jean, the Prime Minister. Those bank mergers are not on the table. What were you thinking? I have a legacy to pass on.” Perhaps the Minister of Finance should have phoned the bank presidents to say, “Sorry, the Prime Minister has nixed the idea. My apologies to you, to your employees and to the thousands of shareholders.”

While the Prime Minister assures us of our security, we remain sceptical. The Minister of Defence adds to our scepticism and elicits outright fear as he claims that our Armed Forces are so underfunded that they are unable to do their job. As far as I am concerned, there no longer is a government in Canada; there are simply a number of ministers fending for themselves and trying to ingratiate themselves to whomever they think will be their new master.

Recently, we had an odd scenario: The federal-provincial conference on Kyoto was cancelled at the last minute, and the Prime Minister has said that he does not want to meet with the premiers concerning Kyoto. It is not that the premiers are being their old, cranky selves, as is so often portrayed, but the Kyoto Protocol will affect the exploration and extraction of natural resources. Even the most twisted centralist knows that is constitutionally the prerogative and jurisdiction of the provinces.

Today, I am asking the Prime Minister to show his leadership and to meet with the premiers before Parliament ratifies the Kyoto Protocol. I expect that all Liberal senators concerned about their regional interests, especially those from Saskatchewan, Alberta and British Columbia, as well as all provincial governments opposed to the Kyoto Protocol, will join my colleagues and me in urging the Prime Minister to take this action as quickly as possible.

• (1520)

The accord is causing concern, not only because many believe that it is based on flawed science — the same people who have difficulty predicting tomorrow’s weather — but because it will concern the individual financial health of all Canadians from heating to electrical bills, transportation to manufacturing costs, and just about every other expense.

The government assures us there will be no carbon tax, just as we were assured that they would scrap the GST, never have an airport tax at Pearson, rewrite the Free Trade Agreement, increase health care funding, provide an ethics package, and there is a myriad of other promises that stand as testimony of their deception.



I stand here today and tell you all that if Kyoto passes, we will have a carbon tax and a myriad of other taxes on fossil fuels that will drive a permanent wedge between fossil producers and the rest of Canada and the federal government. They may include not only Western Canada but the Atlantic provinces as well. It will make the National Energy Program look like child's play.

Just so there is no misunderstanding on the other side, I want to assure honourable senators that Progressive Conservatives across Canada will fight this intrusion on provincial rights and the pocketbooks of Canadians with the same vigour and determination that Joe Clark and the Progressive Conservatives defended Canada from the National Energy Program.

I will turn now to government spending. I have often read and heard that the Liberals today are fiscally conservative, that Paul Martin is a Conservative in disguise. Those senators across the aisle will be happy to know that is not true. The editorialists are wrong. Former Finance Minister Martin has been quietly squandering money at a rate that far exceeds what is believed, although not at a rate that would make the "Copp-ites" or the "Rock-ites" happy. They would like to spend more.

The Liberals can divide themselves in two: those who like to spend lots of money and those who like to spend even more, a buffet of extravagance. "How can that be," people ask, "that Martin is tight-fisted." The figures do not support that.

In 1993, not counting the Canada Pension Plan, Canada collected \$115 billion in taxes. Today it collects \$174 billion. In 2007, the economic and fiscal update estimates that tax revenue will be \$221 billion. That is despite the supposed tax cuts or, perhaps, because of the tax cuts. Revenue is up, not down. This does not count the increases we will face when the Kyoto accord is passed if the Liberals get their way.

Of the countries in the OECD we are behind only Denmark, Finland and Sweden in our tax burden. We are not in good company.

In 1996, government spending was at its lowest, \$104 billion, mostly due to cuts in education and health. Today, government spending will be \$134 billion, a \$30-billion increase in six years. The anticipated \$15-billion surplus by 2007 is not planned to pay down the debt. Mr. Manley is already looking at new ways to spend the money, rather than using it for putting the military on a sound footing or increased health care payments to provinces.

The debt is down since 1996 by \$47 billion. However, we forget to note that it is still \$14 billion higher than it was in 1993. We all think it is going down. It has not gone down since 1993. The cumulative payments on interest since 1993 have been \$375 billion. Over the next five years, another \$181 billion will be paid in interest, providing interest rates remain the same.

These numbers show that Paul Martin is a prolific spender. He may wear the mantle of a fiscal conservative, but in reality he is a free-spending Liberal who thinks tax cuts are bad, who believes people should not have their own money, and who has not seen a government program he did not like.

The Speech from the Throne promises to confer the legacy of a Prime Minister searching for the old and rusted Liberal values, but in the other place, the king has been deposed. The Chrétien government is over. The sad thing is that everyone knows it except him.

**Hon. Douglas Roche:** Honourable senators, since this is the last Speech from the Throne that I expect to participate in, I would like to offer some comments about Canada's role in the world at this critical moment.

First, as an independent senator, I would like to express my appreciation to the Speaker and the leadership on both sides of the aisle for the fair and courteous manner in which I have been treated. I am grateful that I have had the opportunity to contribute to the Standing Senate Committee on Social Affairs, Science and Technology, and particularly to its ground-breaking study on health care.

I pay my respects to Her Excellency and commend the mover and seconder of the address in reply to the Speech from the Throne for their valuable presentations. It is the international dimensions of the Speech from the Throne that I wish to address.

The speech stated that Canada would continue to work through organizations such as the United Nations to ensure that the rule of international law is respected and enforced. We will work with the United States to address shared security concerns. We will double our development assistance by the year 2010, with half of that increase going to Africa. Engaging Canadians in a discussion about Canada's role in the world, the government will set out a long-term direction on international and defence policy that reflects our values and ensures that Canada's military is equipped to fulfill the demands placed upon it.

One would have to say at the outset that this is a laudable vision, however lacking it is in detail. Let us look at some of the details. Let us try to get past the headlines of the day, which dwell incessantly on conflict and have produced a climate in which it appears to be downright unpatriotic if we do not rush to pour new billions of dollars into Canada's Armed Forces as a Canadian response to the security threats of today. Let us not be so mesmerized by the tragedy of September 11 that we think a military response is the only way we can guarantee our security in the future. Let us not follow the path of the United States Administration, which is putting that country on a permanent war footing in the name of peace, a stance that is sure to become more strident in the wake of yesterday's election results.

Honourable senators, the over-arching principle that should guide Canada's security policies is that militarism alone cannot provide security in the complex world of globalisation that we are in. Rather, security can be achieved only by the implementation of programs for sustainable development in every part of the world, and the protection and advancement of human rights in all their dimensions as outlined in the United Nations instruments. In this context, the military have a role to play, to not only guarantee, but if necessary, enforce peace through the rigorous application of international law.

In the context of the legitimate fears for personal security evoked by the terrorism of September 11, an idea has taken hold in Canada that funding for our Armed Forces must be greatly increased. The focus has been put on more money, lots of it, for the military, and then we can all breathe a sigh of relief because we will be protected from the adversities of unknown enemies. In short, the logic presented to us suggests more money for defence equals more security. An important debate the country should be having about how to enhance domestic and global security is thus skewed by the September 11 syndrome. The debate needs to be put in broader terms to produce the best public policies.

The idea that Canadian taxpayers are presently underfunding the military should be examined. Canada's defence budget is just over \$12 billion, which puts Canada in the top 10 per cent of military spenders worldwide. The International Institute of Strategic Studies in London rates Canada as the seventh highest military spender of NATO's 19 member states. While Canadian military spending declined in the 1990s, this decline mirrored global trends. The Stockholm International Peace Research Institute reports a global decline of 11 per cent from 1992 to 2000. The Canadian decline in the same period was 12 per cent. Thus, as Project Ploughshares points out, "the charge that Canada's military spending has shrunk to unconscionably low levels relative to the rest of the world does not stand up to scrutiny."

• (1530)

World military expenditures are now shooting upwards. This is driven by the enormous increase of \$50 billion by the U.S. this year alone. The U.S. is now spending \$400 billion a year on defence, which is more than the next 25 countries combined. It is somewhat disingenuous for the U.S. Ambassador to Canada to be constantly chiding this country for low military spending, as if the gargantuan budget of the U.S. should become the standard for Canada. The U.S. is also, of course, driving the NATO spending pattern. At \$500 billion a year, NATO accounts for 60 per cent of all military spending globally. If Canada added \$2 billion or \$3 billion annually to the NATO figure, how could this credibly be argued as adding to global security? It can hardly be argued that peace and security are threatened simply by a dearth of global military capacity.

Defence advocates do not like to admit it, but in terms of the absolute levels of Canadian military spending, Canada is well above the global average. Does this mean that Canada's Armed Forces should be denied proper, well-functioning equipment or equitable pay scales? Of course not. The question should be: What are we spending money on? What is our policy? Is it to continue Canada's highly regarded role in peacekeeping and peace building, or is it to modernize our combat capability to fight the wars of the future, wars, one would have to add, that the U.S. is preparing to fight? If the U.S. is determined to fight in Iraq, even without the authorization of the United Nations Security Council, thus undermining international law and opening the door to more battlefields, including space, then Canadians should know now that that is why they are being asked to increase Canada's defence budget. To equip Canada for war-fighting capability for the future would be a significant change in Canada's defence policy.

This serves to emphasize how important it is that the government set out a long-term defence policy, as promised in the Throne Speech. So far, we have not heard a word about the prioritization of future needs. If those needs are to defend Canada, appropriate funding should be put in place. If those needs are to join in U.S.-led wars, extra funding should be denied. In short, there should be more money to Canada's military if necessary, but not necessarily more money.

In latter years, Canada has distinguished itself by advancing a human security agenda, which recognizes that the security and well-being of persons depend more on economic, social and political conditions than on military strength. This agenda, as the analyst Ernie Regehr points out, embraces economic equity, human rights, democracy and a sustainable physical environment. This is an agenda requiring a major infusion of new resources, which can prevent future regional armed conflicts as well as end terrorism.

The centrepiece of this human security agenda is Official Development Assistance, known as ODA. The government recognizes this by saying that it will double development assistance by 2010. It was one of Canada's great Prime Ministers, Lester B. Pearson, a Nobel Peace laureate, who first crafted the UN target of providing 0.7 per cent of gross domestic product for ODA. If Canada's defence community is unhappy at the 14 per cent cut they absorbed in the 1990s, consider the 31 per cent decline in ODA in the same period.

Canada is only at 0.25 per cent in ODA today, which ranks us as seventeenth among 22 aid donor countries. We are well behind the average donor performance of 0.39 per cent. This is not a record to be proud of. Moreover, it belies Canada's posture that the human development agenda is a prime consideration of our global security policies.

Our country joined in the United Nations Millennium Declaration, which identified millennium goals in disarmament, development and poverty eradication that are essential to building sustainable peace. UN Secretary-General Kofi Annan, arguing that every step taken toward reducing poverty is a step toward conflict prevention, said that \$50 billion extra was required to achieve millennium goals. This \$50 billion represents one-sixteenth of what the world currently spends preparing for war. In Canada's case, the Canadian Council for International Cooperation calculates that Canada's share of the \$50 billion would be an additional \$2.5 billion per year. Even if we were to meet that obligation, which would require a doubling of current Canadian ODA, we would still be well short of meeting the overall UN target of 0.7 per cent.

The government says that we must be content with an increase of 8 per cent in ODA this year. That is better than nothing, but it is still insufficient given the work that must be done in the world to build the conditions for peace and security. This is not difficult to figure out. The evidence shows that states in the bottom half of the human security index are three times as likely to experience wars than those in the top half. If we want peace, we must pay for



peace. This means paying for the destruction of surplus gun stocks, paying for the dismantling of nuclear weapons, paying for the disposal of fissile materials, as well as paying for economic or social programs to give people the human security they so ardently crave.

Honourable senators, Canada must face up to the need for increased security spending. This is a bigger subject than military spending alone. The government wants to review its policies. Let that review commence now, with public input appropriately organized, funded and publicized.

Canada must help the world community to find solutions to the principal challenges of our time: widespread war and violence, terrorism, poverty and environmental degradation. With the Nobel Peace laureates, who recently met in Rome, let us stand firmly against the cynicism and despair that crushes hope and vision. Our common humanity demands public policies for peace, humanity and equality.

On motion of senator Robichaud, debate adjourned.

• (1540)

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Donald H. Oliver:** Honourable senators, I thought the debate was adjourned yesterday in the name of Senator Sparrow. I was going to speak after Senator Sparrow.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under Government Business, debate is not adjourned in any particular senator's name. If any senators wish to speak to this motion today, they are free to do so. Senator Sparrow let me know that he will be speaking to it tomorrow.

On motion of Senator Oliver, debate adjourned.

[English]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Maheu:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study the public interest implications for large bank mergers on:

- Access for Canadians throughout the country to convenient and quality financial services;
- The availability of financing for individuals and businesses, particularly small and mid-sized businesses;
- The Canadian economy and the ability of Canadian business to compete internationally;
- Communities and bank employees; and
- Any other related issues;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the Committee submit its final report no later than March 31, 2003.—(Honourable Senator Tkachuk).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Question!

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

AGRICULTURE AND FORESTRY

FINDINGS IN REPORT ENTITLED "CANADIAN FARMERS AT RISK"—INQUIRY-DEBATE ADJOURNED

**Hon. Donald H. Oliver** rose pursuant to notice of October 29, 2002:

That he will call the attention of the Senate to the findings contained in the report of the Standing Senate Committee on Agriculture and Forestry entitled *Canadian Farmers at Risk*, tabled in the Senate on June 13, 2002, during the First Session of the Thirty-seventh Parliament.—(Honourable Senator Oliver).

He said: Honourable senators, I am pleased to speak to this inquiry. Last year, under the capable leadership of Senator Gustafson, the Standing Senate Committee on Agriculture and Forestry conducted a major international study that led to a definitive report called, "Farmers at Risk." A week ago, I was honoured to be elected chair of the Agriculture Committee and, because of all the work that went into that report, I wanted to take time today to call honourable senators' attention to some of the important conclusions of that report.

Before so doing, I should like to take this opportunity to pay tribute to Senator Gustafson as former chair. Senator Gustafson, a Saskatchewan farmer, assumed the chair I now occupy in 1996. Under his leadership, this committee has set an impressive standard for hard work, in-depth analysis and strong, realistic solutions. Over an eight-year period, he chaired some 130 meetings of the committee and heard over 480 witnesses. With Senator Gustafson at the helm, this committee demonstrated a great deal of influence in agriculture and forestry in Canada with its review of eight different bills and the tabling of seven substantive reports dealing with such issues as trade, food safety and the environment.

This year, the committee is embarking on a major study on climate change and we will analyze and discuss some of the ways farmers and those involved in forestry must adapt to changes imposed upon them by changes in climate. Hopefully, we will also have an opportunity to look at other areas of concern to farmers and those in the forestry industry as shorter, more focused studies on such topics as bioterrorism, GMOs, food safety, the cheese industry, the grape growers and wine producers, exporter industry, softwood lumber and other issues.

Today, honourable senators, I should like to deal with the concept of multi-functionality. That phrase is not one we hear often in this country, at least not in the context of agriculture. Briefly, if somewhat inadequately, it is the concept that people involved in agriculture fulfil a variety of roles other than simply producing food, and for this they should be compensated. Having grown up in a rural environment, I think that many Canadians believe farmers just have two jobs: to plant crops in the spring and, God willing, to harvest them in the fall. All the rest of the time is spent either sitting in the sun in Florida or sitting on the beach. The reality is obviously quite different. In fact, the average farmer in Canada works from sunup to sundown, as do many other members of the family. Rather than simply sitting about, they play important roles in maintaining and sustaining the local environment, for example. They do this by protecting local groundwater supplies, by following approved fertilization policies, by providing green spaces for migratory animals, and so on. Farmers also play economic roles above and beyond producing and selling crops. They provide thousands of jobs, they attract investment in local commerce and they, their families and neighbours, create demand for infrastructure that, in turn, generates economic activity. I am thinking of things like water, roads, sewage, electricity, schools, garbage pick-up, and so on. Without farmers, none of this could exist. There would just be empty land producing no food or revenue for anyone.

Farmers play a cultural role as well. They preserve important parts of our heritage by maintaining historic buildings. They produce local foods, like Oka cheese and Niagara wines, that cannot be found anywhere else. They help maintain the traditions and distinctions that set people and geographic areas apart from neighbours. An example of this would be the way in which Quebec farmers divide their farmland, which is unique to that province.

Farmers provide all these things, honourable senators, that have nothing to do with farming per se, and they do all of that for free in Canada. According to the theory of multi-functionality, these actions are important and a tangible part of maintaining the economic and cultural viability of large regions of many countries. Therefore, farmers deserve to be compensated for the time, the effort and the money that they spend in doing them.

The idea of compensating farmers in this way has been public policy for barely a decade in a number of countries, most notably those of the European Union, in Japan and in Australia. It began, interestingly enough, as an offshoot of the big environmental debate that took place in the early 1990s over issues like global warming and sustainable development. What came out of this debate was the notion that rural areas are a form of ecosystem. They are an integral yet distinct part of society as a whole. Within these areas, farmers provide a number of services that are both tangible and intangible. Together, these help to maintain the viability of rural life and the rural economy. Indeed, they are a crucial factor in the economic welfare of society as a whole. There is a holistic relationship between rural areas and the rest of the country. The health and well-being of one is intrinsically linked to the other.

Unlike our friends in the European Union, Japan and Australia, we here in Canada have not, so far, embraced this notion of multi-functionality. In fact, outside of a relatively small group of agricultural professionals and university professors, it is still a relatively unknown idea. The generally accepted explanation for this is that Canada is a free trading nation. We are committed to reducing and eventually eliminating all trade barriers. Multi-functionalism, because it provides funding to farmers for activities not strictly related to food, goes against our trade liberating principles. Therefore, we do not support it. In other words, by paying farmers to leave fields lying fallow so migratory birds can nest there, or remunerating them for the role they play in ensuring that everyone in the country has adequate access to food supplies, European governments embracing the policy of multi-functionality are, in effect, subsidizing them. For Canada, this is apparently unacceptable.

• (1550)

This is the type of debate that tends to get fairly intense. Those in favour of trade liberalization reject the EU notion that agriculture is an ecosystem comprised of a multitude of non-productive activities for which farmers deserve compensation. For them, agriculture is strictly about producing food. As producers, farmers should be left to compete in the open market the same as everyone else. On the other side of the fence, free traders like the United States cry foul while providing billions of dollars in subsidies to their own farmers.



I should add as well, just to put things in somewhat a larger perspective, that the debate over multifunctionality is not a purely North American phenomenon. Many Third World countries, such as those in Africa, are extremely critical of multifunctionality. They see it as little more than a blind by advanced nations to justify elevated agricultural subsidies with which they cannot compete fairly.

Honourable senators, the Agriculture and Forestry Committee has examined the issue at length, and among the recommendations we have included in the report is that Agriculture and Agri-food Canada should study the applicability of the concept of multifunctionality here in this country. More particularly, it should attempt to determine the different roles the farm sector fulfils, how these vary from region to region, and how the federal government could, if it chooses, best promote the idea among Canadians. The report said that the committee believes that support should be provided to farmers in recognition of their role as stewards of the land and that government support should target the other roles of agriculture to promote rural values.

Some honourable senators may well be wondering why Canada has not embraced the idea of multifunctionalism, given that many European countries have done so. One factor could well be the way we develop public policy here. Unlike many European countries, particularly France, Canada does not generally make public policy based on theoretical frameworks. We try to solve issues incrementally. In other words, we fix problems as they occur. We tend to draw up policy only when an issue has provoked widespread concern and some sort of consensus has emerged that something should be done about it.

A second factor is the issue of private property. While Canada is not as fervently insistent on the issue as the Americans, in part thanks to Mr. Trudeau and the Canadian Charter of Rights and Freedoms, the federal government in this country has, nonetheless, traditionally been somewhat reluctant to tell people how to manage their private property. Whether this is a Canadian trait or linked to the ever-present squabbles over jurisdiction, is perhaps a moot point, but the fact remains that, in the case of the environment, for instance, the federal government sets the national standards which are, in turn, implemented by provincial governments, while the question of land use is governed by local authorities under property and civil rights. Given all these competing jurisdictions, it is perhaps little wonder why nothing has ever been done.

A third factor to explain the absence of multifunctionality from public policy debate in this country lies again south of the border. The American government is solidly opposed to the idea, and like it or not, when they are unhappy, we are often obliged to put on an unhappy face as well, whether it is in our national interest or not.

Last but not least are the attitudes and feelings of the Canadian people. One of the driving factors behind the implementation of multifunctionality in Europe has been the fear that many feel about such things as rural depopulation and long-term food security. These issues have never been a concern in Canada.

Ironically, one of our greatest assets as a nation plays against the development of any sort of public pressure in favour of multifunctionality. That, of course, is our size. We are the second biggest nation on earth. We have huge tracts of green space, the world's biggest supply of fresh water, and immense — perhaps immeasurable — supplies of natural resources. As a result, Canadians do not feel hemmed in like many of our European or our Japanese counterparts, nor do they see issues such as food security in an urgent light. Lacking these insecurities, there has been little public debate, no consensus, and ultimately no public pressure on government.

Added to this, 70 per cent of our population lives in urban areas. Our culture is essentially urban, and this is reflected in our political priorities. Crime and highway construction trump green spaces and cultural preservation every time. There is nothing new about this. Indeed, it is perhaps a given of any modern Western society, but that does not make the problems facing rural areas any less real or any less important or any less worth solving. After all, there are still 30 per cent of Canadians — over 9 million people — who classify themselves as rural dwellers. Surely their needs should count for something.

As the owner of a small tree farm in Nova Scotia, I can attest first-hand to the many difficulties facing rural people, even in this supposedly modern day and age. Despite the recent growth and diversification of the rural economy, our young people continue to leave the land, infrastructure is suffering, land values are falling and investment is declining. The federal government is not completely insensitive to these trends. I understand something called the "Rural Secretariat" has been established to address some of these issues, but are such bureaucratic initiatives enough? Do we really need another study?

We need more than rural secretariats. We need a plan, and we need some solutions. Maybe multifunctionality, or some form of it, could be part of the answer to maintaining the viability of our rural communities. I am not sure it would work as a national policy for some of the reasons I have just outlined, but I see no reason why it could not be adapted to fit various regional needs within an overall framework of national goals and priorities.

On motion of Senator Gustafson, debate adjourned.

## FISHERIES

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON MATTERS RELATING TO OCEANS AND FISHERIES

**Hon. Gerald J. Comeau**, pursuant to notice of October 30, 2002, moved:

That the Senate Standing Committee on Fisheries be authorised to examine and report upon the matters relating to oceans and fisheries;

That the documents and evidence received by the Committee during its consideration of these same matters in the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee table its final report no later than June 30, 2003; and

That, notwithstanding usual practice, the Committee be permitted to deposit its final report with the Clerk of the Senate if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Senator Comeau:** Honourable senators, pursuant to rule 30, I asked for leave to modify my motion. Before I read the amended motion, I would ask that the pages distribute the new motion to each honourable senator.

**The Hon. the Speaker:** I believe the information has now been distributed.

• (1600)

#### MOTION IN AMENDMENT

**Hon. Gerald J. Comeau:** Honourable senators, the motion would now read, as amended:

That the Standing Senate Committee on Fisheries be authorized to examine and report from time to time upon the matters relating to straddling stocks and to fish habitat, and

That the documents and evidence received by the Committee during its consideration of these same matters in the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee table its final report no later than December 31, 2003.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, if I understand correctly, the Honourable Senator Comeau is asking us to replace the motion that is currently on the Order Paper with the motion that he just presented.

**Hon. Lowell Murray:** Honourable senators, the new motion appears to be more limited in its scope than the motion on the Order Paper. Why?

**Senator Comeau:** There were suggestions that the scope of the original motion was too broad. We discussed it in committee. The committee agreed to limit the scope of the original motion. The motion that we are now proposing gives a good indication of the work that we must do in the coming year.

[English]

**The Hon. the Speaker:** I shall put the matter to the chamber. Senator Comeau has requested leave to delete the existing item No. 31 under Motions and replace it with the motion that he has distributed to honourable senators today and read to the Senate.

Is leave granted, honourable senators?

[ Senator Comeau ]

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Leave is granted.

**Senator Comeau:** Honourable senators, I wish to move passage of this motion.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to, as amended.

#### NATIONAL SECURITY AND DEFENCE

##### COMMITTEE AUTHORIZED TO DEPOSIT SECOND REPORT WITH CLERK OF THE SENATE

**Hon. Colin Kenny,** pursuant to notice of October 31, 2002, moved:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit its second report with the Clerk of the Senate on Tuesday, November 12, 2002, and that the report be deemed to have been tabled in the Chamber; and

That copies of the report will be made available to all Senators in their offices and by via e-mail at the time of tabling.

He said: Honourable senators, if I may, I should like to speak briefly to the motion.

The motion is a specific one, relating to a single occurrence. It is different from the type of motions that we have seen in the past that have been broad, open motions allowing committees to table reports when the Senate was not sitting.

When the committee was considering this motion, we looked carefully at the purpose of the phrase "notwithstanding the usual practices." The usual practices of the Senate relate to the overarching principle that the Senate is the master of all committees. The committees are subordinate to the chamber and they will carry out the will and the direction of the chamber.

Bearing that principle in mind, we thought about the usual context when referring to "usual practices." Normally, when the Senate gives an order or an instruction to a committee to study something, it expects to be the first to hear back from that committee; the Senate expects that it will hear back from that committee in this chamber. It is an important principle that honourable senators will hear first from a committee, before the press and before the public.

We also reflected on the more general interests of the Senate. It does not have just one interest in this case. I would argue that the Senate has many interests, but at least two upon which I will comment.

The first interest is informing senators. Senators do not like to be blindsided. I do not like to be blindsided when a report comes forward. We do not want to have a friend or journalist break the news about a committee report by telling us that it was in the newspaper.



We think it is important that senators be informed in advance. However, we do not think it is necessary to go through the physical act of placing the report on the table to inform senators in advance. There may have been a time when that was the only way to do it. The rule was probably written at a time when train was the mode of travel to Ottawa and when communicating via telegraph was the standard, a time when placing a report on the table was the only way that senators could be sure that they were informed in advance.

We now have other ways of protecting this vital interest of senators to know in advance the contents of a report. That can be accomplished by a number of means when the Senate is not sitting. Reports can be sent to honourable senators via e-mail, fax or priority post. We have tried to take that into account in this motion.

There are other interests that are important to honourable senators and to the Senate. One is that the public be informed, in the best way that we can inform them, about the work that we are doing.

I must confess that when I first came to this institution I heard senators say that their report stood on its merits and that the logic of the report was compelling. Essentially, they were saying that the world will beat a path to the door once the report was tabled because the arguments were sufficiently compelling that no effort was required to ensure that people know what we are doing. I accepted that at first. That was 18 years ago, a time when I did not know any better.

Since then, I have come to the conclusion that not everyone holds this chamber in high esteem, because many people do not know of our work. I have made it my business to try to find as many ways as possible to publicize the good work done in the chamber, to ensure that the public knows what we are doing.

I would argue that it is of great interest to this chamber that the public know what we are doing. We must understand that it is a very competitive world out there. It is very difficult to get the message out to the public. I cannot see the gallery from here, but I suspect that someone who can see it will tell me that it is empty.

• (1610)

**Senator Day:** There is no one in the gallery.

**Senator Kenny:** This is a daily occurrence, regrettably. If we wish to ensure that the public knows about the work we are doing, we must go out of our way to make sure that the public hears about the work of the Senate. Throughout the work that I have been engaged in, I have tried hard to accomplish that.

With this particular motion, I am trying to take into account at least two of the interests of this chamber: first, to protect all honourable senators to the extent that we know what the report is about; and to make an effort to try to ensure that the public knows about it, as well. Assuming the report can be completed on time, barring mechanical and technical problems that can occur, we would proceed with the report during the week when people are thinking about matters that relate to defence and to veterans. November 11 is the day that we remember the sacrifice and what our soldiers did for us. People are attuned and are thinking about matters relating to defence and security at that time. To come forward during that week with a report on matters relating to defence, would seem to be quite consistent with how people are

thinking. Not only would it be timely, but also it would be appropriate to deal with the report then. Coming forward with the report that, we hope, will be deemed supportive of those people and consistent with their aspirations and their hopes, would be a good way to honour them.

This is a one-time proposal that was presented before an adjournment of a number of days. The report endeavours to deal with the two interests that I have described — the importance of informing senators in advance and of ensuring that the public understands well the work that we are doing.

Honourable senators, I urge your support of this motion.

**Hon. Lowell Murray:** Honourable senators, I intend to speak to the report but first, I wish to ask the Honourable Senator Kenny a question.

Senator Kenny said that the report is not complete, that there are various technical and other problems to be overcome. What is the status of the report?

**Senator Kenny:** Honourable senators, the report is undergoing the final editing and pagination stages.

**Senator Murray:** Will there be another meeting of the committee before November 19?

**Senator Kenny:** There is no meeting of the committee, but the authority exists for these final details to be dealt with. The committee has approved the substance of the report in its entirety, and I can assure the honourable senator that the tabling process does not require another meeting of the committee.

**Senator Murray:** In other words, apart from the mechanical matters, the only matters to be dealt with are what the honourable senator qualifies as editing, which are not substantive matters. I presume the committee had before it the full report in both official languages when it adopted the report.

**Senator Kenny:** The committee had the report in both official languages and they also had a report that instructed me to make certain changes of a technical nature, which were editing and pagination.

**Senator Murray:** The committee had before it the same document in both languages — the full report — subject to certain editing changes that the honourable senator is authorized to make.

**Senator Kenny:** I can qualify that. The report is actually two documents — an English document and a French document.

**Senator Murray:** Yes, there is an English version and a French version of the same document. When did that happen? I sent for the minutes of proceedings of the committee and, perhaps I read them too quickly or missed a date, but I could not find the motion that adopted the report and authorized the honourable senator to do what he is doing.

**Senator Kenny:** Honourable senators, I presume that the honourable senator is referring to the minutes of proceedings dated Monday, October 28. These minutes do not reflect the proceedings of meetings that took place *in camera*, which is when this took place — Monday, October 28.

**Senator Murray:** I appreciate that that meeting would have taken place *in camera* and that it is not unusual for a committee to enter and complete the drafting process *in camera*. However, there should have been a motion to adopt the report in both languages. I presume that motion was made and passed.

**Senator Kenny:** I am sure that the honourable senator is not asking me to break the rules and discuss what went on *in camera*, but I can assure him that everything is in order. I would not be standing here if everything were not in order.

**Senator Murray:** I appreciate that. One of the explanations that I heard from another, not from the chairman, about why this time would be needed was that the "French translation" was not ready. Senator Kenny, who has been around here for quite some time and served, as I recall, in Prime Minister Trudeau's office, would know the importance of insisting on the equality of both official languages in the adoption of these reports by committees.

Honourable senators, as Senator Kenny indicated, there had been question, in recent times, about the growing practice of committees seeking blanket authorization or blanket dispensation from the convention and practice of tabling reports in this chamber first.

I objected to that practice, and recent motions indicate that Senator Kenny and others would rather proceed on a case-by-case basis, as he is doing in this instance. He is proceeding in the right way.

• (1620)

I could not agree less with him on some of the points he made in his remarks this afternoon. He speaks of the interests of honourable senators, the interest in having a report from a committee tabled in this place and the interest of having our works publicized. This is not a question of interests. It is a question of the rights and the status of one of the Houses of Parliament. It is our practice, tradition and convention, and there are good reasons for those, that committees table their reports in the chamber first.

My hat goes off to the honourable senator for what he has done in the past on the several committees that he has been associated with or has led and the success he has had in publicizing the work and the findings of those committees. That is all very useful. However, I do not agree that it is necessary to dispense with important conventions and traditions and rules of this place in order to advance a media strategy.

We are talking about the rights of this place. In a case like this, I have to ask myself and others if the media strategy is so important, what other rights, prerogatives, conventions and rules are we prepared to dispense with in the interests of a media strategy? I think we take the media strategy a bit too seriously, frankly, but I do not want to get into that in any great detail because then we would be arguing media strategy.

In the two cases recently before us, being the report of the Standing Senate Committee on Social Affairs, Science and

Technology on the Canadian health system and the various reports of my friend's from the Standing Senate Committee on National Security and Defence, these are extremely topical subjects. They are subjects in which the media is extremely interested. I do not think it would matter whether Senator Kirby had tabled his report in the chamber on a Thursday afternoon and then met the media on Friday as he did. The committee and the report would have had as much attention as it got.

The same holds true for the report that will be brought down eventually by the honourable senator. If I were to ask the honourable senator why he cannot wait until we are back here on the November 19, his answer would be that he is following a media strategy, and the media strategy is that he will get a better "media pop," as they say, by making the document public during a week when the Senate and the House of Commons are not sitting and there are no other distractions, he hopes. Who knows what other matters will come up to attract the interest of the news media on that particular day or during that particular week?

Honourable senators, as to process, my friend is going about it the right way. He is proceeding on a case-by-case basis. His explanation for doing so is that it will, he hopes, advance his and the committee's media strategy. That is not adequate. That is not sufficient, in my mind, to dispense with the practice, conventions, rules and the rights of this chamber in these matters. Therefore, I will oppose and do oppose his motion.

That being said, I will point out that, as we speak, the Standing Senate Committee on Rules, Procedures and the Rights of Parliament is struggling with this very issue and will, I hope, report on it in due course. I would not use that argument to prevent the honourable senator from bringing forward his motion. However, as I say, on the merits of his motion and the merits of his argument, I have no hesitation in maintaining my position, which is that it has to be a very exceptional case for Parliament or one of the chambers of Parliament to dispense with a convention, a tradition, a right, a rule of this kind, and that forwarding a media strategy in almost any case would not qualify in my view.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** On division.

Motion agreed to, on division.

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Jane Cordy,** pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.



**HUMAN RIGHTS**

**COMMITTEE AUTHORIZED TO MEET DURING  
ADJOURNMENT OF THE SENATE**

**Hon. Shirley Maheu**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Human Rights be empowered, in accordance with rule 95(3), to sit on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

**AGRICULTURE AND FORESTRY**

**COMMITTEE AUTHORIZED TO PERMIT  
ELECTRONIC COVERAGE**

**Hon. Donald H. Oliver**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

**COMMITTEE AUTHORIZED TO ENGAGE SERVICES**

**Hon. Donald H. Oliver**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as referred to it.

Motion agreed to.

**LEGAL AND CONSTITUTIONAL AFFAIRS**

**COMMITTEE AUTHORIZED TO PERMIT  
ELECTRONIC COVERAGE**

**Hon. George J. Furey**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

**COMMITTEE AUTHORIZED TO ENGAGE SERVICES**

**Hon. George J. Furey**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as

may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[Translation]

**OFFICIAL LANGUAGES**

**COMMITTEE AUTHORIZED TO PERMIT  
ELECTRONIC COVERAGE**

**Hon. Rose-Marie Losier-Cool**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Official Languages be authorized to have the public proceedings of the Committee, at its discretion, televised with the least possible disruption of its hearings.

Motion agreed to.

[English]

**COMMITTEE AUTHORIZED TO ENGAGE SERVICES**

**Hon. Rose-Marie Losier-Cool**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Official Languages be authorised to hire such counsel, technical, clerical and other personnel as may be necessary for the Committee's study of bills, subject-matters of bills and estimates referred to this Committee.

Motion agreed to.

**FOREIGN AFFAIRS**

**COMMITTEE AUTHORIZED TO PERMIT  
ELECTRONIC COVERAGE**

**Hon. Peter A. Stollery**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

**COMMITTEE AUTHORIZED TO ENGAGE SERVICES**

**Hon. Peter A. Stollery**, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Lorna Milne**, pursuant to notice of November 5, 2002, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Lorna Milne**, pursuant to notice of November 5, 2002, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Lorna Milne**, pursuant to notice of November 5, 2002, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered, in accordance with rule 95(3), to sit on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

### MOTIONS IN AMENDMENT

**Hon. Lorna Milne**: Honourable senators, pursuant to rule 30, I request leave to modify my motion by adding "and Tuesday, November 19, 2002," after the words "Monday, November 18."

**The Hon. the Speaker**: Is leave granted, honourable senators?

**Hon. Anne C. Cools**: I rise on a point of order.

**The Hon. the Speaker**: Does Senator Stratton have a question?

**Hon. Terry Stratton**: Perhaps we should hear the point of order, and then I will have a question.

**Senator Cools**: I believe I just heard Senator Milne ask the chamber for leave to modify a motion. My understanding is that an amendment to a motion is not accomplished by simple leave being granted. If one wants to amend a motion, one would have to move a motion to that effect.

**Senator Stratton**: That is right.

**Senator Cools**: Is the Honourable Senator Milne asking for leave to amend a motion?

**The Hon. the Speaker**: Does Senator Milne wish to comment?

**Senator Milne**: Honourable senators, under rule 30, a senator who has made a motion or presented an inquiry may withdraw or modify the same with leave of the Senate. I am asking for leave of the Senate to modify my motion to allow the committee to meet, as it regularly does, on Tuesday morning.

**The Hon. the Speaker**: To be certain, I will ask again. Is leave granted, honourable senators?

**Hon. Senators**: Agreed.

**The Hon. the Speaker**: Leave is granted.

Is it your pleasure, honourable senators, to adopt the motion as amended by Senator Milne?

**Senator Stratton**: Honourable senators, our side has a problem with attending a meeting on Monday. Our normal meeting times are Tuesday mornings and Wednesdays at noon. My office has discussed this with Senator Andreychuk's office, who is the deputy chair of this committee. They have no knowledge of this discussion about asking for permission to meet on Monday, November 18. Our side has a problem in that we have no idea members of the committee from our side are available to man the committee on Monday. We also have yet to see the justification to meet on Monday when we can meet during our regular hours. Senator Andreychuk has to come from Saskatchewan, and that is not as easy as travelling from Toronto or Montreal. The availability of flights from the West is extremely difficult and I think it is wrong to push for meetings on Monday when we have two regular time slots during the week. Our side cannot support this motion. We will support the motion as it relates to Tuesday, but not as it relates to Monday.

**Senator Milne**: Honourable senators, all I can say is that this matter was raised in the steering committee. I thought I had Senator Andreychuk's agreement to take it up with her whip as I took the issue up with my whip. I thought we had agreement to meet on Monday to complete the report that we are presently working on.

**Senator Stratton**: Honourable senators, our concern is the availability of members who must travel. I agree that this matter is important, but I think we can deal with it during our regular hours. We would require an amendment to change the day to Tuesday.

**Senator Milne**: May I suggest that we amend the motion by striking the word "Monday"?

**Senator Stratton**: Yes, I would agree to that. I would so move.

**The Hon. the Speaker**: Is the house ready for the question?

**Some Hon. Senators**: On the motion in amendment.

**The Hon. the Speaker**: Do you wish to proceed by leave or amendment?

**Some Hon. Senators**: Amendment.

**The Hon. the Speaker**: Is it your pleasure, honourable senators, to adopt the motion as amended by Senator Milne?



**Hon. Senators:** Agreed.

Motion agreed to, as amended

**The Hon. the Speaker:** It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Kinsella that the motion be amended by deleting "Monday, November 18, 2002."

Is it your pleasure, honourable senators, to adopt the motion as amended?

**Hon. Senators:** Agreed.

Motion agreed to, as amended.

**NATIONAL SECURITY AND DEFENCE**

**COMMITTEE AUTHORIZED TO TRAVEL**

**Hon. Joseph A. Day,** pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study.

He said: Honourable senators, I thought this motion seemed somewhat out of order with the usual process. Honourable senators merit an explanation as to why we are moving this motion.

The motion is brought as a result of article 95(1) of the *Rules of the Senate*. That rule states, "A select committee may adjourn from time to time and," — and this is the operative portion — "by order of the Senate, from place to place." The committee wishes to adjourn from place to place. Of course that could be taken to mean that the committee wishes to travel from place to place.

Included in the motion are the words, "...within and outside Canada..." since the committee may travel to the United States. This type of motion would normally be moved after the Standing Senate Committee on Internal Economy, Budgets and Administration had considered the budget. Our budget has not reached that committee and has not been considered at this stage. I am mindful, as we all are in our committee, of article 2:08 of Appendix II in relation to the expenditure of funds, which states:

2:08 A Committee shall not incur any special expenses until a report to the Senate pursuant to guideline 2:06 has been adopted.

• (1640)

That has not happened. We will not be incurring any expenses, but that does not preclude the Senate from authorizing this motion to travel as long as we do not incur any expenses. We have the opportunity to travel, at the invitation of the Minister of National Defence, to study the Colorado Springs and NORAD

facility, which is extremely important at this time. We would not be incurring any expenses. That is why we are moving this motion at this time.

**Hon. Tommy Banks:** Honourable senators, to reinforce and to add to what Senator Day has said, there is a cogent and current imperative reason for the committee to be asking for Senate approval of this motion for the specific purpose of travel to Colorado Springs. In the last few months, honourable senators will recall the report of the committee having referred to the establishment of what is called the Northern Command of the United States. The fact is that the Northern Command of the United States resides, for all intents and purposes, in Colorado Springs in close concert with the command centre of NORAD, which also resides there. Those two things are not the same, but the members of the committee are most anxious to determine the nature of the relationship, both the physical proximity and otherwise, between those two things and to reinforce again, as it has in the past, the importance of Canadian sovereignty in the operation.

Honourable senators, to let you know how closely and effectively the NORAD partnership has existed over the past years, it is worthwhile remembering that, in the events of September 11, 2001, the officers in charge that morning in the NORAD control rooms in Colorado Springs were Canadian officers. They were in command of all the air defences of North America and all the air reactions to those events at the time. That is an example of how closely and effectively NORAD has worked since its formation shortly after the Second World War.

The committee wishes to ensure that there is a clear and distinct difference with regard to the unilateral undertaking of the United States of establishing a Northern Command on the one hand and the bilateral arrangements that exist under NORAD on the other. That is a clear and present question before us on our deliberations having to do with matters that the Minister of Defence, among others, has asked us to look at. It is at his invitation, as Senator Day has said, that we wish to make this trip. It may cost us a lunch out of our pockets or something like that. The point I wish to reinforce is that the transportation costs and the accommodation costs of this visit will in no way be a cost of or to the Senate.

**Hon. Terry Stratton:** Honourable senators, we are assuming here. Does that mean that the ministry and the Minister of Defence are paying for this trip?

**Senator Banks:** Partly.

**Senator Stratton:** The honourable senator says "in part." Is the United States picking up any part of the tab?

**Senator Banks:** No, not that I am aware of. I believe we will be staying at existing facilities in Colorado Springs. There are guest facilities at Colorado Springs, for which there is no cost, in the sense of anyone writing a cheque.

**Senator Stratton:** Who else is paying for this? If it is not just the Minister of Defence who is paying for it, who else is paying for it?

**Senator Banks:** "Pay" is the operative word. There are costs involved — for example, the accommodation at Colorado Springs. However, as I said, that is not a cost in the sense of writing a cheque to anyone. As to transportation costs, I stand to be corrected, but I believe that the transporting of the members of committee from here to Colorado Springs would be at the expense of the Canadian Armed Forces.

**Senator Stratton:** Meals and accommodation are at the expense of whom?

**Senator Banks:** NORAD, I believe, senator.

**Senator Stratton:** NORAD is a bi-national organization, a joint U.S.-Canada organization; is that correct?

**Senator Banks:** That is correct.

**Senator Stratton:** No conflict of interest?

**Senator Banks:** I cannot see how there can be a conflict of interest with a committee that is charged with examining questions having to do with Canada's Armed Forces, among other things, being transported to a place where those activities take place by Canada's Armed Forces.

**Hon. Eymard G. Corbin:** Honourable senators, I should like to know if the date for this visit has already been set.

**Senator Banks:** It has been set tentatively because the leadership has asked that committees, when they plan tentatively to travel, advise the offices of the respective whips, to ensure that not too many committees are travelling at the same time. In future, when committees wish to travel, all committees will be asked to advise the offices of the whips in advance of establishing dates for those trips on a tentative basis, to ensure they do not conflict with other committees travelling.

**Senator Corbin:** What are the tentative dates?

**Senator Banks:** I do not know.

**An Hon. Senator:** That is how tentative they are!

**Hon. Jeremiah S. Grafstein:** I should like to ask the Honourable Senator Kenny a question, if I may.

**Hon. Colin Kenny:** Honourable senators, first, there are significant precedents. This government has established precedents for committees of this sort to travel on Canadian Forces aircraft. Some of you will recall the joint committee in 1993 that this government established and then provided it with an aircraft to go from coast to coast in the United States, coast to coast in Canada, to Europe and the Balkans. Incidentally, we flew to NORAD headquarters, and stayed there as well. That precedent is clearly established.

As far as the costs go, the committee was initially looking at a trip to Moose Jaw, Regina, Edmonton and Cold Lake in the first week in December. Having said that, the date today is November 6, and the Senate is not sitting next week. As of now, no committee, aside from the Social Affairs Committee, has had an opportunity to appear before the Internal Economy

Committee to apply for its budget. The earliest possible time for any committee to appear before the Internal Economy Committee would be the week we return, on November 19. There would be three days, 19, 20 and 21, if the Internal Economy Committee is ready to receive applications for budgets. However, as of today, we have not received any word from the Internal Economy Committee that they are prepared to receive applications for budgets. In the event that they were organized in a fashion so they could receive the applications, and in the event that they saw fit to approve budgets for committees, one still must return to this chamber to have the budget approved.

• (1650)

If the committee were very lucky and got to see Internal Economy when it meets on November 21, it could then come back to the chamber on November 26 and give notice and hope that on November 27 or November 28 the Senate might in fact approve the budget. However, there is no certainty that things would happen that quickly. In fact, I am sure Senator Stratton will recall that this committee's budget did not get passed in two days the last time it came forward. "Well spent and good value for the taxpayers" — is that what I heard, Senator Stratton? I am sure I heard something along those lines from Senator Stratton.

Having said that, not knowing whether we were likely to have the funds, we did not feel we could go to the people in Moose Jaw, Regina, Edmonton and Cold Lake for the second time. We had already gone to them once in August, before the prorogation, laid on the trip, made all the arrangements, and when prorogation came, we had to cancel all those arrangements. We did want to get back to them, could not do it, and obviously with the funding not being certain, could not do it now.

As it happened, the invitation came from the Minister of National Defence and from the NORAD people to go down to Colorado Springs. This is a matter that the committee has studied and just reported on to this chamber. The report was before honourable senators in September. We recommended significant modifications to how they conduct their affairs there. It seems reasonable that we have an opportunity to see what is going on.

We are not talking about funds out of our pocket; we are talking about funds from Her Majesty, though. Frankly, it is a lot less expensive for Her Majesty to pay, or for the taxpayers to pay, for us to travel on a single aircraft as opposed to paying commercial airlines. Either way, the taxpayers will be paying the travel expenses. I am hard pressed to see where the conflict of interest lies, inasmuch as the taxpayers will pay for this one way or another.

Second, the government of day, this administration, not only has set a precedent but encouraged a previous committee studying defence matters to utilize defence aircraft, and facilitated the committee's travel. Those who served on that committee — I see Senator Forrestall in the room — did not find themselves compromised or in any conflict position when they flew down on that flight. If anything, we found it an uncomfortable way to travel and an unpleasant way to get around, and, if anything, we were biased against them rather than for them. Frankly, it is just a non-issue.



We think it would serve the interests of the Senate if we had an opportunity to see whether things are being implemented there. It is something that will not come out of the Senate budget. The Senate will have an opportunity, if it approves this, to have a committee up and functioning sooner than it might normally do, because the way the budgeting process appears to be working, it is unlikely that anyone will have an operational budget in this chamber before February, given the timing that I described to you earlier. We can pause until February, or we can get on with our work now. The decision is yours, honourable senators.

**Senator Corbin:** Honourable senators, I have one thing to say. This is an “either/or” question. Either you are seeking a blank cheque for all future travel of your committee, to undertake your work and examination of issues across Canada, or you are seeking today permission of the Senate to accept an invitation by the Minister of National Defence to visit the facilities, not to hold hearings, but to visit the facilities at Colorado Springs. In the second instance, the committee does not need the permission of the Senate. It only needs to accept the invitation of the Minister of National Defence. If the committee is seeking funding for future work, it should come forward with this kind of request, at which time the Senate will give its okay. I do not see that you need the permission of Senate to undertake the kind of visit you describe.

**Senator Grafstein:** Honourable senators, I want to comment briefly. I had an opportunity to discuss this with Senator Kenny, and I heard the exchange. If you take the principle that is being enunciated here to its extension, it means that, for example, if a Foreign Affairs Committee that has gone to Europe travelling on Lufthansa takes a bus from the hotel to the airport, it could raise a question of conflict. If any senator from the United States or a member of the House of Representatives arranged a trip, as they do generally, to travel with the President of the United States on Airforce 1, that would be a conflict between the two houses. What if we used a vehicle that is used in the House of Commons for a trip over to the Victoria Building?

Honourable senators, there is political correctness that has some rationale, and there is political correctness that has no rationale.

As soon as the honourable senator tells us transparently that he has an invitation to go down, I accept the proposition put by Senator Corbin — go. If the committee chooses not to do it, do not go. Then it will be transparent; it will be on the public record. That is not, in my view, a conflict. It is an interesting theoretical question, but it is not a conflict. If we take that position as being a conflict, it will be difficult to take a pencil from the House of Commons and write with it.

Senator Kenny has done a magnificent job on behalf of the Senate in the last year, as have all the members of that committee. For us to try and tie him up and to trip him up on minuscule issues like this brings the Senate into a level of disrepute that I do not think any senator will accept.

**Senator Stratton:** Honourable senators, I think this was carried too far. The question was legitimate. I am satisfied, having heard the answer. Honourable senators took it beyond what it should have been and made implications as to my questioning whether there was a conflict. The question was legitimate. If the honourable senator feels comfortable answering that there is no conflict, I will accept that. I think he should have understood that before he stood.

**Senator Grafstein:** Honourable senators, I meant the honourable senator no disrespect whatsoever. I was listening to the argument and hoped to join in the debate. If he took any words that I said in any way, shape or form to be disrespectful to him or in any way, shape or form to prevent him from making an argument, I would withdraw.

**Hon. Shirley Mahew:** Honourable senators, the broad implications of the resolution or the motion could end up looking like a blank cheque. Could not Senator Kenny put forward a date, even a month — the month of December, for example — rather than ask the Senate for permission for him to travel anywhere he wants when he wants to?

**Senator Kenny:** Honourable senators, in fairness, it is not my motion. I was asked a question. More to the point, the Senate has to give us funds to travel anywhere, so there is no possibility of us travelling. A date is superfluous because without the funds and the motion that goes with it, we could not travel even if we wanted to.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, the motion before us raises many questions in my mind on the *Rules of the Senate*. How does a committee obtain permission to travel? How can a committee initiate expenditures, whether current or special? I do not feel in a position to answer these questions. I wish to propose that we continue the debate on this motion at the next sitting of the Senate.

• (1700)

**The Hon. the Acting Speaker:** Honourable senators, is Senator Robichaud’s motion a motion to adjourn?

**Senator Robichaud:** Precisely. I have proposed that we continue the debate on this motion at the next sitting of the Senate.

[English]

**Hon. Anne C. Cools:** I rise on a point of order. I plead that Her Honour look to the back of the chamber sometimes. She will find senators standing hoping for an opportunity to speak.

Honourable senators, I wish to have clarification before the debate is adjourned. The question has not been put, therefore, my intervention is timely.

Senator Kenny should know that a large number of senators here are proud of the fine and outstanding work that he has been doing on this particular committee. Many of us hold that work in high esteem.

It seems clear that the request is a bit unusual, but there is no form of conflict of interest or any other kind of conflict. As a matter of fact, I would say that the request is harmonious with the terms of reference of Senator Kenny’s committee. It is also consistent and consonant with the kind of quality of work that has been performed. I would include Senator Day in these remarks.

The motion is asking for the authority of the Senate Committee on National Security and Defence to be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study. We should understand that Senator Kenny is neither asking for money to be spent nor causing money to be spent. They are asking for the authority of the Senate to approve their wish, so to speak, to accept a special and unusual invitation from the Minister of National Defence and from the NORAD people in Colorado Springs, U.S.A.

I would like to add to that request. Senator Grafstein and other senators say that perhaps the committee does not need authority from this chamber to accept such an invitation. The committee could simply go.

However, the chamber should understand that Senator Kenny is an extremely thorough individual. The authority that he is here seeking is the authority that the committee can act as a committee, in other words to be able to constitute itself as a committee while on these trips. That authority must be sought from this chamber.

Perhaps many honourable senators are not aware, but rule 95(1) reads:

A select committee may adjourn from time to time and, by order of the Senate, from place to place.

The rule states, "...adjourn from time to time..." but it means that the committee may act and conduct its affairs as a committee, that is, the committee may hold hearings, if necessary, and have proper records kept. In other words, the committee may act as committee, not as a collection of individuals travelling together.

The conflict of interest argument is a tired one. There is clearly no sort of conflict in this. To my mind, it is a credit to this particular committee and to Senator Day, Senator Kenny and Senator Banks that such an invitation has been extended by the Minister of National Defence and by NORAD.

This chamber should view this as an opportunity for the Senate and senators to expand their vision a little bit and to expand their capabilities. This chamber should give Senator Kenny and Senator Day a ringing endorsement and ringing approval for this particular initiative.

Senator Smith can be heard behind me to say, "Where there is no vision, the people will perish."

Permission is being sought of the Senate to allow a Senate committee to act, behave and conduct itself as a committee and to be received in the United States as a committee.

If the concerns are so profound, all that need be done is add to the motion, if it were the sense of the house, that they need to accept a particular invitation and to clarify or to limit it in that way. We can say, with all honesty and with a fair amount of certainty, that a particular authority is being sought for a particular set of events, and that is to be able to respond to a

particular set of invitations to a particular place in the United States.

As such, I say bravo, and good for Senator Kenny and Senator Day.

**The Hon. the Acting Speaker:** Senator Cools, I was advised by the table that you were standing before Senator Robichaud.

There is a motion before the house to adjourn the debate.

Senator Kenny, you have a question? We cannot debate a motion to adjourn.

**Senator Kenny:** I do not wish to participate in the debate; I wish to ask a question.

**The Hon. the Acting Speaker:** Senator Kenny wishes to ask a question to Senator Robichaud. Is leave granted? Senator Robichaud, will you take a question.

[Translation]

**Senator Robichaud:** Honourable senators, I have just moved that we continue the debate tomorrow, so that we can have a little time to consider this motion that was moved today. It raises a number of questions with respect to the *Rules of the Senate*. My motion is on the floor; it is not open for debate. We will have the opportunity to come back to this tomorrow.

[English]

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Milne, that further debate on the motion be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yea.

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** Will those honourable senators in favour of the motion please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** In my opinion, the "yeas" have it.

On motion of Senator Robichaud, debate adjourned, on division.

The Senate adjourned until Thursday, November 7, 2002 at 1:30 p.m.



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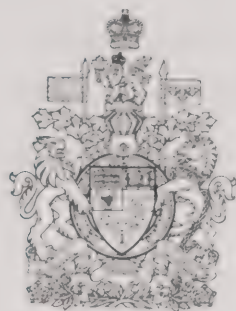






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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Thursday, November 7, 2002

THE HONOURABLE DAN HAYS  
SPEAKER



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## THE SENATE

Thursday, November 7, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### THE HONOURABLE NICHOLAS W. TAYLOR

#### TRIBUTES ON RETIREMENT

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I rise, today, to participate in tributes for a colleague who has been, for me, a friend for many years.

I first met Nick Taylor in my classroom at St. Mary's Girls High School in Calgary. He came to a parent-teacher interview — I being the teacher, he being the parent of one Patrice Taylor. He did not want to know how Patrice was doing. That was clear because Patrice was an "A" student. He wanted to know who this teacher was who actually admitted to being a Liberal.

From that point on, Nick and I participated actively in the Liberal Party in Alberta. I became the vice-president of the party at exactly the same convention at which Nick Taylor became the leader of the party. The following year, I became the president of the party and, therefore, I was his president. In between, he convinced me to run as a candidate.

Running as a Liberal candidate in Alberta in the mid-1970s was no easy feat in the sense of the generous amount of money that was required, the number of campaign workers one needed and whose efforts one could instill, and the support that one would get on election day. However, as his vice-president, living in the constituency in which he actually lived but where he was not running, I knew that at least I had the votes of Nick, Peg and all of his adult children at that particular time. I would not end up with zero votes. That was in the constituency of Calgary—Elbow, now held by Premier Ralph Klein in the province of Alberta.

I ran for election. Senator Taylor ran in the constituency of Calgary—Glenmore, which had been held by a Liberal who had crossed the floor and then resigned. The campaign was interesting. I did not win. Nick did not win. However, we continued our close friendship.

Eventually, in 1977, I moved to the province of Manitoba. Nick Taylor continued to run for election in the province of Alberta — and continued to run for election in the province of Alberta! I must say, most of them were not very successful.

I am sure Nick does not remember, but he gave John and me a wedding present. Peggy may not remember either. It was a statue of a monk. I never quite knew why I was getting a statue of a monk for a wedding present, but I still have it. We have a little plaque underneath it indicating that it was given to us by Nick and Peg Taylor. It sits in our home to this day.

I have known Nick, his wife and family for a long time. Rather than simply share personal reminiscences about Nick, it is

important to talk about his contributions. Some of us in this chamber are not aware of the fullness and richness of Senator Taylor's participation, not just in public life, of which honourable senators might be more familiar, but in his private life.

Senator Taylor is a leading figure in the Alberta business community, in real estate, shipping and finance, and he has been president of several energy firms. This expertise was much appreciated in Parliament given that he was Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources. It might have been presumed, since this is the flavour of the day, that because Senator Taylor has been closely associated with the Alberta energy industry he would be anti-Kyoto, anti-environment, and anti those things that many of us believe are important for the future of this nation. To the contrary. Senator Taylor has always been a forward thinker, a proud defender of Kyoto, a proud defender of the protection of the environment, and a proud defender of what must occur not only for his children but, I suspect, for his 15 grandchildren.

Senator Taylor is a geologist and a geophysicist by training, but politics has been a very important part of his life, first as a school trustee for the Calgary Separate School Board and then, later, as a provincial MLA and a leader of the opposition.

Senator Taylor was first elected to the Alberta legislature in 1986, shortly after I was elected to the Manitoba legislature in the province that I now represent, so we continued our companionship. Nothing gave me greater pride than when the Prime Minister asked him to come to this institution, where I was already sitting, so that we could continue our years of friendship together.

As we all know, Senator Taylor is a master of repartee, quick off the mark. Sometimes, those on the other side would appreciate him not being quite so quick on the uptake on certain subjects, but that has not prevented him from expressing, at all times, his very strong opinions on issues for which he has strong opinions. Frankly, I do not know an issue about which Nick does not have strong opinions.

• (1340)

I should like to congratulate Senator Taylor and offer best wishes to his wife, Peg, and to his nine children — Patrice, Jen, Terry, Cayt, Ian, Sheila, Alison, Susan and Sarah — on a long and very happy retirement.

**Hon. John Buchanan:** Honourable senators, that is a very difficult act to follow, but I shall. Senator Carstairs is a Nova Scotian, as am I. I only wish that Nick Taylor were a Nova Scotian. If so, there might have been a few changes on certain committees.

Prime Minister Chrétien has done some good things and some things that were not so good. However, one of the excellent things he did was to appoint Nick Taylor to the Senate. There is no question about that.

**Hon. Senators:** Hear, hear!

**Senator Buchanan:** Nick Taylor: engineer, geologist, politician, leader of the opposition, husband and father. It was a very smart move to appoint him to the Senate. It was a very smart move on the part of the leadership of the government and the Liberal Party here in the Senate to appoint him as deputy chairman of the Standing Senate Committee on Energy, the Environment and Natural Resources and then to appoint him as chairman. Those were excellent decisions that I applaud.

Senator Taylor was one of the best committee chairmen we have had on the Energy Committee. If Senator Carney were here, she would agree with that. There is no doubt that Senator Taylor's background put him in an excellent position to be chairman of that committee. His background absolutely ensured that the committee, of which I have been a member for many years, would move in the right direction.

There are some similarities between Senator Taylor and myself.

**Some Hon. Senators:** Oh, oh!

**Senator Stratton:** Long winded.

**Senator Buchanan:** I heard that. Senator Stratton had better remember that he helped me win my first election.

First, Senator Taylor was Leader of the Liberal Party of Alberta for 14 years; I was Leader of the Conservative Party of Nova Scotia for 19 years. Senator Taylor was a member of the Legislative Assembly of Alberta; I was a member of the Legislative Assembly of Nova Scotia. Senator Taylor was Leader of the Opposition in Alberta; I was Leader of the Opposition in Nova Scotia. Unfortunately for Senator Taylor, that is where that similarity ended. I was premier for 13 years, but he did not make it. I cannot say much about that because, in Alberta, it would have been very difficult for Senator Taylor to be premier.

In addition, Senator Taylor has nine children; I have five children. Senator Taylor has 15 grandchildren; I have 9 grandchildren. However, I am younger than Senator Taylor and I still have a ways to go.

Over the years that I have known Nick, he has been a very dear friend of Nova Scotia and of Newfoundland and Labrador. He understands the situation in our provinces with regard to energy. He understood why we fought to keep our coal industry in Cape Breton. It is gone now, but as I said to Nick many times, it will rise again. There is no doubt in my mind about that. It will rise again because people like Nick understand the geology of the coal industry in Nova Scotia, in particular in Cape Breton.

Senator Taylor has also been very helpful over the years in the discussions that we have had in our committee and that I, personally, have had with him about oil and gas exploration, production and development of the offshore resources of Newfoundland and Nova Scotia, as well as about the transmission of our natural gas by pipeline.

I will miss the articles that Nick used to send me from newspapers and other publications on issues affecting oil and gas production and development. He recently sent me one about sulphur in the gas industry, in the United States.

I will certainly miss Senator Taylor's guidance on the Energy Committee. However, now we have a new chairman who is a westerner and an Albertan, and he has probably learned a lot. I hope he is listening.

**Senator Banks:** I am taking notes.

**Senator Buchanan:** Senator Banks has probably learned a lot from Senator Taylor as Chairman of the Standing Senate Committee on Energy, the Environment and Natural Resources.

Nick, in addition to being our colleague in the Senate and on the Energy and Environment Committee, more than anything, you have been and will continue to be our dear personal friend, which may be more important than all the other things I mentioned.

May the road rise up to meet you; may the wind be always at your back; may the gentle rains fall upon your fields; may the sun shine upon your countenance; and may the good Lord hold you and your family in the palm of his hand, forever. Congratulations and best wishes. God bless you!

**Hon. Senators:** Hear, hear!

**Hon. Joyce Fairbairn:** Honourable senators, saying farewell to Senator Nick Taylor represents a true loss for this chamber in terms of friendship, wisdom, experience and a deep commitment to Canada and the democratic institutions that govern this nation. For me, it is a profound personal loss as well. Nick and I both hail from the deep south of Alberta, which is a bonding experience in itself. He is from the little town of Bow Island, not so far from Lethbridge.

One of the core attractions of the good senator is his human side. He is forever young and he has the gift of making others feel that they, too, are forever young. At this point in my life, that is just the kind of message I want to hear. I will miss that profoundly, as well.

Senator Taylor is also an individual fuelled by eternal optimism and hope. After listening to the Leader of the Government, honourable senators will understand that these are qualities that have guided his lively path through politics and life in the province of Alberta.

As an engineer and a geologist, Senator Taylor is steeped in the very history of the industry of energy and national resources in his province, in his country and, indeed, around the world. In addition to his love of public life, the experience that has guided his contribution to the Senate has not focused only on energy. Going back to his roots, he has also focused on the environment, on agriculture, on rural development, on forestry and on banking.

Always his voice has been loud, his social activism strong and his sense of humour legendary. Happily, Senator Taylor brought all of that with him when he came to the Senate and into our party in Ottawa, along with all the skill, stubbornness and fierce determination to fight for Alberta's causes, as well as for



Canada's well-being, for fairness, opportunity and peace for people around the world who do not share our good fortune. This has sometimes meant going head to head with quite a number of people; he has done it in the Senate and, when necessary, he has done it in his Liberal caucuses. He leaves us with his conscience and principles intact, and his friendships absolutely solid.

• (1350)

Senator Taylor has had great fun and satisfaction with politics along the way. Senator Taylor would frown at the suggestion that he is virtually indispensable, but I do not believe that the Liberal Party of Alberta would have survived as a credible force without Senator Taylor as its leader through thick and thin, mainly thin.

The legislature certainly got a blast of fresh air when Nick Taylor finally strolled through its doors in 1986, as did the Senate when he strolled through these doors a decade later. Senator Taylor arrived when I was the Leader of the Government in the Senate. We were long-time friends.

While he pledged commitment, loyalty and support, in the past six years, Senator Taylor has never backed away from criticism when he believed a policy threatened the rights and the well-being of individual citizens, whatever their province, whatever their region. I would be surprised — indeed, I would be most alarmed — if he did not continue to speak out about the environment, agriculture and rural issues, Aboriginal rights, national unity and world peace. We need to hear that voice.

With Senator Taylor's departure, we are losing a powerful combination of character, wisdom and common sense, outrageous at times, but forever unforgettable.

I thank you, Nick, for all the hours, the work, the kindness and the laughter. You could not have stayed the course without your beloved Peg and the wonderful family that the two of you built together. May you both continue to enjoy the years ahead, frolicking with happiness and good spirits. We will miss you. I will truly miss you.

**Hon. Senators:** Hear, hear!

**Hon. Ethel Cochrane:** Honourable senators, over the course of the last six years, I have had the unique privilege to work alongside Senator Taylor in this chamber and in the work of the Standing Senate Committee on Energy, the Environment and Natural Resources. I say "unique" because it is very rare to find a parliamentarian who is so willing to openly speak his mind and stay true to his personal beliefs, even when faced with opposition.

Senator Taylor has been a man of conviction; there can be no question about that. He has never wavered in making difficult decisions or in expressing himself. In an age of political correctness, Senator Taylor has served Canadians by being a straight talker, a go-getter and an adventurer. He has proven, time and time again, to be a conscientious independent thinker who has brought far more than his scientific expertise to this chamber.

I am very pleased to have Senator Taylor's daughter, son-in-law and grandchildren now living in my province of Newfoundland and Labrador. They came from the great province of Alberta with a major oil company, and Newfoundland is very pleased to have them. I understand that they are very happy to be there as well.

I join all honourable senators in thanking Senator Taylor for his forthrightness and his passion. He has inspired his colleagues and has served Canadians very well. To Senator Taylor and his wife Peg, I wish continued success and exuberance in the many years to come.

**Hon. Senators:** Hear, hear!

**Hon. Isobel Finnerty:** Honourable senators, it is a great honour to pay tribute to the Honourable Nick Taylor, my seatmate here since I came to the Senate. Many years ago, I was in Alberta and I witnessed, first-hand, Senator Taylor in action. At that time, I never believed it would be possible that we would be seatmates in the Senate together.

I have learned an unbelievable amount from Senator Taylor in the last few years. All honourable senators in this corner of the chamber know what a heckler Senator Taylor is. Unfortunately for many, his verbal gems have never made it into Hansard. The truth is that Senator Taylor has done most of the heckling for both of us over here. Not everyone is gifted with the natural talent of being able to develop such heckling into a fine art. Senator Taylor is indeed exceptional in this category. I can firmly state that Senator Taylor has never embarrassed me in all his time of heckling.

Some senators may not be aware that Senator Taylor has a particular interest in fine literary writing and extraordinary investigative journalism, appearing in a little-known Canadian periodical that goes by the name of *Frank* magazine. As for me, I have been grateful that I have never had to buy an issue of *Frank*. I do not believe that my colleagues Senators Milne or Chalifoux have either. We have received a copy, thanks to the generosity of Nick Taylor. The four of us have had many chuckles over the incredible half-truths that regularly seem to appear in that rag.

Honourable senators, we will all miss Senator Taylor in the Senate. I do not believe, however, that his retirement from the Senate will mean that we will never hear about him again.

I wish Senator Taylor every happiness and best wishes as he faces new challenges. I know there will be new challenges. To Peg and the family, you will have him back and we will miss him.

**Hon. Senators:** Hear, hear!

**Hon. Leonard J. Gustafson:** Honourable senators, Senator Taylor was a part of the Standing Senate Committee on Agriculture and Forestry. When he came into the room, he always brightened it up. Even if you did not agree with him, you had to like the guy.

Senator Taylor is probably the best example I know of the friendship that exists in the Senate. He has been a wonderful guy to know. I will not carry on too long here because it has all been said.

Senator Taylor will never retire; he will be off in Africa, or somewhere, drilling for oil until he cannot do that any more.

I know all senators wish you and your family the very best, Nick. God bless you.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, I should like to join with colleagues in wishing Senator Taylor a happy retirement, particularly because of the many years that we have worked together for, sometimes, lost causes in our home province. I look forward to continuing to work for many of those causes in our province, including some of our political initiatives.

Senator Taylor, as has been observed, is well-known for his willingness to speak on any subject. Senator Taylor speaks with the same passion when he is wrong as when he is right. The trick is to determine what percentage of the time he is wrong and what percentage of the time he is right. As time has passed, he has increasingly become right on more and more occasions. I wish him well in his retirement.

I remember being a neighbour of the Taylors and becoming very aware of Nick's passion for bagpipes. I hope his skill has improved. If it has not improved, then this will be his chance to practise his bagpipes. I wish him well with that endeavour.

Senator Taylor, you are leaving all too soon. This is a reminder to all honourable senators that these are the good old days right now. All honourable senators should enjoy them, just as we have enjoyed knowing you. I look forward to continuing to work with you in Alberta on Alberta causes. My best to Peg and the family.

• (1400)

**Hon. Tommy Banks:** Honourable senators, relatively speaking, I am the new kid on the block here; however, I have had the privilege of knowing Senator Taylor for more than 30 years. Honourable senators may believe that he will turn 75 next week, but I happen to know that he will turn 142. I have arrived at that conclusion by adding up all the things he has done and all the time he has spent on them, and it comes to 142 years. It is analogous to determining a lawyer's age by adding up his or her billing hours.

I used to have the privilege of hosting a television show. In the late 1960s or early 1970s, there was a political issue — the exact details of which I forget at this time — and I remember asking the producer who we should invite to be a guest on the show to speak to the issue from the obverse side. The producer said that he knew of this holy terror in politics that he thought we should get in. From that moment, I began to learn from Nick Taylor. In fact, I learned something from him just 45 minutes ago in a meeting we both attended. I hope that I will continue to learn from Nick.

The most wonderful thing that I have had the privilege of watching Nick do, and he has perfected it to an art both in Alberta and here, is skewer someone while simultaneously making them smile through the whole process. They smile all the more broadly as the knife begins to turn. It is something that I hope we will all learn to do some day.

[ Senator Gustafson ]

Nick, the Senate will be the poorer for your leaving us, but Canada will not be because I know that whatever you do the day after you leave here, it will be of value to the country, and that that will continue. I also wish to thank you for being my sponsor in this place. Senator Taylor was the first person I phoned to give me that honour, which he did. For all the things I have learned from you over those 30 some odd years, I thank you. Best wishes to you in your retirement and best wishes to your family, who are with us today.

**Hon. Senators:** Hear, hear!

**Hon. Serge Joyal:** Senator Taylor, if you allow me, I will address you in the other official language.

In the few years that you have been here, we have had the opportunity to experience something very particular with you.

[Translation]

In the debates we participated in together, you demonstrated a very deep understanding of the primary ethic of a senator. The primary ethic of a senator is not to be in conflict of interest as far as contracts, favours and benefits are concerned, and to apply judgment reflecting one's own knowledge and experience in the exercise of this most noble of callings, which is to enact legislation for the benefit of all Canadians.

You fulfilled your duties, while respecting one of the fundamental principles of this chamber: independence. When bills were submitted to you, you examined them with care, and expressed your opinions on them with a typically Albertan flavour. Your position was based on your inner thoughts, on your conscience. Sometimes — most of the time — you supported the government. Sometimes you dissented instead.

We have always held you in the greatest respect for your integrity and honesty in the fulfilment of your duty as a legislator. We will always remember you for that great virtue.

[English]

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have had the distinct pleasure of Nick's company for over three decades. His infectious smile, wit and spirit never flagged from the first moment I met him. I am sure, when he leaves the Senate, it will never leave him.

I asked myself, as I listened to these magnificent tributes to Nick, how I could describe him in one word. That word, I believe, is "maverick." For most of his private and public life, Nick was a loner, a contrarian, a man unafraid to stand against conventional wisdom. As you all know, Nick was a Liberal in Alberta. For me, liberalism and Taylorism became synonymous with Alberta. In the Senate, as Senator Joyal pointed out, he never succumbed to the instincts of the herd, nor to the convention of loyalty above loyalty to his principles or to the independence of the Senate itself. In a way, the Senate was



established as a maverick institution, and Nick has always been loyal to that tradition. Nick's principles and practices have rode well because they always rode together. He always followed his maverick instincts and always stood tall in the saddle on his stirrups of principle. Nick, you have left your brand in the Senate and you will not be easily forgotten.

On a personal note, when I introduced my clean water bill, it was Nick who encouraged me when he agreed to take the bill to his committee to thoroughly study it and unanimously endorse it. I thank you for that encouragement and I wish you and your family all the best in the future.

**Hon. Lorna Milne:** Honourable senators, everything has been said, but I must add that I will miss the fun of sitting near Nick in the Senate. I sat beside him for the first short while. I learned quickly not to grab his coattails to get him sit down because it never worked.

However, I want to reassure honourable senators of the contrary, in case they think he is actually retiring. No, Peggy, he will not be home with you too often. Nick is already plotting and planning his next career. It will be in the energy field, perhaps or perhaps not in Alberta, and it will help Canada meet its Kyoto objectives.

**Hon. Ione Christensen:** Honourable senators, I cannot let my great seatmate go without saying a fond thank you and goodbye to him. Having been married to a geologist for over 45 years, I appreciate the candour and the common sense that comes forth from that particular profession.

The first day I was introduced in the Senate, Nick came to me as we were leaving and said: "Kid, just follow me every evening. I know where all the best receptions are. You will never have to cook dinner all the time you are here." That was a very good and practical advice.

Thank you very much, Nick, for your guidance in the last three years. To your wife, Peg, I appreciated meeting with you in the Yukon. I wish you all the happiness in the years to come.

**Hon. Colin Kenny:** Honourable senators, one of the disadvantages of being last up is that everything has been said.

Nick, I have enjoyed you on the Energy Committee, for all of your time in the Senate, for the leadership you provided there and the integrity that you showed. People point to you as a model for how senators should be. You also have the advantage of looking like one, which gives you an edge over many of the rest of us.

I knew I would like Nick right away, when he decided that the Energy Committee would meet at 9:30. He said that he was an Albertan and that 9:30 here was 7:30 his time, but it took him a while to get going.

For some reason, we fell into a habit of referring to Nick as the Lone Ranger. I do not know why it fits, but it does. It is consistent with the other elements of his character that people have referred to. I can tell the chamber that his friends call him Kimosabe. If he likes you a lot, he might call you Tonto. He has done that once in a while.

Nick, I want to say to you, adios. We will miss you here. However, I do get to Alberta and plan to see you and Peg there. Lots of luck, and I will see you soon.

• (1410)

**Hon. Nicholas W. Taylor:** Honourable senators, thank you very much for your kind remarks. If I had known that I would be getting all these compliments, I would have quit a year earlier.

Senator Carstairs, who led off, brought back many fond memories. I remember the 1970s in Alberta. If there were any more than 10 people at anything having to do with the Liberals, you thought it was a lynch mob. Senator Carstairs, I and a number of others planted the seeds. As a matter of fact, I think Alberta is the only province in the West with a Liberal-led opposition.

Senator Buchanan forgot to mention the fact that one of the similarities we have is that we were both thrown out of Kim Campbell's house for singing at three o'clock in the morning. Our different renditions of cowboy ballads did not go over that well. I had thought that she might have forgotten that, but the other day I sat beside her at dinner and she remembered it very well.

I thank Senators Fairbairn, Cochrane and Finnerty for their kind remarks. I particularly appreciated Senator Gustafson's comments. He is another dryland farmer from Saskatchewan who has encouraged me to get back into farming. I can assure Senator Gustafson that, of all the things I might do when I get back home, farming will not be one of them. I just do not have enough money to get back into it.

I was interested in my seatmate's accusation about my having purchased issues of *Frank* magazine. It is true — I have had copies of *Frank* magazine. My assistant used to send them to me. Over the last year and a half, I do not know how many issues of the magazine I have received. It must have been about 14. I have never had a chance to read any of them. One of the advantages of retiring is that I will now have time to read *Frank*.

I have served at all three levels of government, including the municipal level. I have participated in 10 elections at all three levels of government. I have won five and I have lost five. That is no hell for a politician. However, it is a good average if you are a baseball player or a Liberal in Alberta.

I also want to say how much I will miss this place. I will not miss the nine to ten hours I spend on the plane and in the airports to get here each week. However, I will miss the contact with honourable senators. I have made a lot of friends in the Senate. I think the political lines are less drawn now than they have been in the past, although, occasionally, I have had strong words with some people opposite, not to mention some people in my own caucus. Nevertheless, it seems that the people who are here do a lot of thinking on the subject at hand. I suppose that is because they are not as concerned about getting a headline in the paper the next day in order to advance their careers. That is one of the advantages of an appointed house. We say that this is the chamber of sober second thought. However, I do not know if the people here are any more sober than those in the legislatures.

In politics, none of us can go anywhere without the support of our families. I would ask Peg to stand up and take a bow.

**Hon. Senators:** Hear, hear!

**Senator Taylor:** I did not attempt to bring all nine children in today because Jack Aubry is watching the budget. That would have frightened him to death.

My son Ian and his wife are also in the gallery. You can wave your hand, Ian.

One of my favourite political stories is about Peg. She was door knocking with me, one evening, on separate floors in an apartment house. Near the end, at about nine o'clock at night, she knocked on a door and heard the chain rattle. The door opened a little bit and there was a sweet old grandmother with her bonnet on and her teeth out. Peg said, "I'm calling for Nick Taylor." The little old lady rustled the chain, opened the door and said to Peg, "Well, dear, you can come on in and look around, but he's not here."

It will be interesting to see how often I get back to Ottawa. Honourable senators will see me occasionally up in the gallery.

It is not that bad reaching 75.

**Senator Bryden:** It sure beats the alternative!

**Senator Taylor:** I have not noticed that much difference. The other day, I was talking to a friend of mine about turning 75. He asked me if I noticed anything different. I said, "Well, sometimes I forget to pull my fly up." He said, "Don't worry, Nick, it's when you forget to pull it down that you're in trouble."

Honourable senators, thank you again for having me here. I have enjoyed it very much. Without a doubt, this is the most exclusive club in Canada. I think it has a right to be since it is populated by such exclusive people.

**Hon. Senators:** Hear, hear!

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## SENATORS' STATEMENTS

### VETERANS' WEEK 2002 AND REMEMBRANCE DAY

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, this year, the theme of Veterans' Week is "Remembering our past, preserving our future."

This morning, many of us attended a ceremony of remembrance here in the Senate chamber. In attendance were decorated veterans, military personnel, young cadets and a wonderful school choir. These are the Canadians who represent the past, the present and the future of service to our country. We were very privileged to have these guests of honour with us in our very special chamber.

[ Senator Taylor ]

Whenever we attend a Remembrance Day ceremony or whenever we have the occasion to be with veterans, it brings back many memories. Like many, I have lost family. In my case, I lost a member of our family whom I never knew, except through memory. My Uncle Dick was lost in an explosion on the HMCS *Ottawa* in 1941. However, Dick was really my father's eldest son and not his brother. That is because Dick's father, my grandfather, was killed as a result of the Halifax explosion in 1917. Dick was six months old at the time of the Halifax explosion. Of course, my father, therefore, became his surrogate father as the oldest member of the 10 children. When my grandmother — Dick and dad's mom — died just three years later, my father became both father and mother to young Dick.

Dick died before I was born. However, what I remember as an integral part of our home was a picture of Dick in his seaman's uniform surrounded by his medals. That was Uncle Dick, dad's brother, who had given his life for our country.

Every year, honourable senators, we wear poppies to remember the lives lost and the hopes unfulfilled in defence of our country's ideals. Despite the immeasurable sacrifices that military service demands, we still ask our men, women and children to make these personal sacrifices, because we all know there is a toll to be paid, not just by those who serve, but by the members of their family. Yet, we continue to ask them to join our Canadian Forces because we firmly believe that their service will benefit countless other families and countless other lives throughout the world.

While we may frequently appreciate how fortunate we are to be citizens of this country, today is an opportunity to reflect on the exceptional type of person it takes to defend and serve our country. Although we cannot offer our military personnel past, present and future, sufficient recompense, we can offer them our eternal gratitude and respect.

I was happy, particularly today, to see so many young people on the floor of the Senate. For that, I thank His Honour because I know that he was such an integral part of this morning's ceremony.

• (1420)

We must continue to remember and to foster, within our young people, the need that they must remember. By inspiring them with memories, they will be inspired to serve their country and the principles for which it stands.

**Hon. Norman K. Atkins:** Honourable senators, I should like to congratulate the Speaker for the very special ceremony this morning. I think we were all very taken by what a wonderful occasion it was, and I think His Honour deserves much credit for that.

I am free, today, to stand in my place to speak because of the sacrifices that Canadian women and men have made in foreign wars; World War I, World War II, the Korean conflict, and in peacekeeping and peacemaking missions carried out throughout the world.

The sacrifices of human lives made so others may live in peace and freedom should never be forgotten, never be taken for granted by us who live on.



I, like many in this place, have had the experience of visiting battlefields in Europe and Asia and laying wreaths at the foot of a cenotaph commemorating Canadian war dead. There are few prouder moments one can have as a representative of Canada than to see and hear from those who were liberated by Canadians or the relatives of those now dead who fought in Europe along side our Canadian soldiers.

The past deeds of our Armed Forces in battle or in peacekeeping must live on with us as enduring symbols of what we, as Canadians, can do when freedom is threatened. That is why we should congratulate the Chrétien government, and especially the Ministry of Veterans Affairs, for recognizing the need for a Canadian war museum through the symbolic gesture of a sod-turning ceremony earlier this week at LeBreton Flats, in Ottawa.

It is unfortunate that the former Minister of Veterans Affairs, the late Senator Ron Duhamel, did not live to see this event occur.

At this time, when we reflect on past victories and freedoms won, we cannot ignore the world situation in which we now find ourselves. There are parts of this world of ours where there is conflict, racism, hatred, and terrorism. There are parts where the protection of human rights is unknown. There are parts where freedom and democracy are unknown.

We, who enjoy the freedom gained for us by our predecessors, cannot ignore our responsibilities to our fellow human beings throughout the world. We must be ready when called upon to protect the values we have fought for.

My father, George Spicer Atkins, understood this when he was part of the 46th Queen's Battery, Canadian Expeditionary Force, that fought at Vimy Ridge on April 9, 1917. He was a commander of Post 120 of the Royal Canadian Legion in New York. He was also an active member of the Canadian Maple Leaf Fund during World War II. Also, my brother, George, Junior, was in the RCAF during World War II.

At this time of reflection and remembrance, let us not lose sight of the fact we must remain ever vigilant to protect against tyranny and terrorism whenever and wherever it may occur. We are the ones to whom the torch has been given by those who died to protect our rights. Let us never fail those who have sacrificed so much so that we may enjoy all that it means to be a Canadian.

**Hon. Ethel Cochrane:** Honourable senators, I, too, would like to congratulate the Speaker on the organization of the reception we had here this morning. I can assure you that the participants that were here and spoke to me after were very grateful, and they will take back quite a few memories. I am sure they will relay all those events to people they meet with.

I now rise in recognition of Remembrance Day. At this time each year, we honour all those Canadians who have served in our military efforts at stations all around the world in the name of peace and freedom.

For many of us, a reflection on Canada's many military contributions means remembering the hard-fought battles that shaped 20th Century history. Almost two million Canadians

served in the war and peacekeeping missions around the world in the last century alone. One hundred seventeen thousand of those great men and women gave their lives in pursuit of these goals.

Today, however, the triumph and the losses of the Canadian military continue. To date, Operation Apollo has seen 2000 Canadians deployed to the Arabian Sea and other international locations in the battle against global terrorism.

Sadly, we remain painfully aware of the great price that is paid for peace. This year, we have a new generation of military heroes to hold in our hearts on November 11: Richard Green, Nathan Smith, Mark Léger, and Ainsworth Dyer. We remain grateful to these men, as well as the eight others who were wounded in the so-called friendly-fire incident.

At this time, honourable senators, we are also called to remember Canada's distinguished reputation in worldwide peacekeeping organizations.

Indeed, Canada's presence on the international stage has been strengthened by the strong reputation of our esteemed peacekeepers. Their contribution has been phenomenal. Over the last four decades, more than 100,000 members of the Canadian Forces have served in UN missions. Even in times of great risk, they selflessly serve communities by disposing of land mines, delivering humanitarian aid and protecting refugees.

Honourable senators, these are among the thoughts that I will take with me on November 11 when I lay a wreath at the Stephenville cenotaph. Please join with me in honouring all those who have served us so well in the past and in sending our heartfelt thanks and prayers to all those who continue this legacy of service today.

**Hon. Senators:** Hear, hear.

#### NATIONAL SENIORS' SAFETY WEEK

**Hon. Yves Morin:** Honourable senators, this week has been declared National Seniors' Safety Week.

This certainly does not apply to Senator Taylor, after what I have heard.

Each year, one of three Canadian seniors suffers a fall. Most occur at home. Accidents on stairs account for 5,000 deaths each year.

[Translation]

The Institute of Aging, part of the Canadian Institutes of Health Research, is responsible for research on the prevention of falls by the elderly. This institute is under the able direction of Dr. Réjean Hébert, an internationally renowned geriatrician and professor at the Université de Sherbrooke's Faculty of Medicine.

[English]

This institute supports the research of Dr. Geoffrey Fernie and Dr. Brian Maki, from the Sunnybrook Health Sciences Centre, who have designed a safer stair railing. The LifeRail, as it is called, has an underarm design that does not require the grip or arm strength of an ordinary rail.

This institute also supports the work of Dr. Stephen Rabinovitch and his team at Simon Fraser University. These researchers are studying how the movements people make to protect themselves during a fall change as they get older, to help them develop exercise-based therapies to prevent hip fractures. This is important research, as there are more than 25,000 hip fractures in Canada every year.

• (1430)

Honourable senators, on National Seniors Safety Week, we should not fall down on the job of commending dedicated researchers who are working to keep our seniors upright and injury free.

## UNITED NATIONS SECURITY COUNCIL

### SECOND ANNIVERSARY OF RESOLUTION ON WOMEN, PEACE AND SECURITY

**Hon. Mobina S. B. Jaffer:** Honourable senators, this is the second anniversary of resolution 1325. Today, on this remembrance day, the Canadian Committee on Women, Peace and Security celebrated the second anniversary of resolution 1325 on Parliament Hill. A week ago, the second anniversary of the unanimous adoption of Security Council Resolution 1325 on women, peace and security was celebrated. This is the first Security Council resolution to deal exclusively with women in situations of armed conflict. It establishes a comprehensive agenda on women, peace and security by addressing issues such as the need for full and equal participation of women in peace processes and peace-building activities.

Canada has taken a leadership role in the implementation of resolution 1325. With support from the Human Security Program at DFAIT, parliamentarians, government officials and a broad cross-section of civil society has come together to establish the Canadian Committee on Women, Peace and Security.

Honourable senators, I should like to take a moment to recognize the contribution of the Honourable Lois Wilson. She had the foresight to create the framework for the Canadian Committee on Women, Peace and Security. Under her guardianship, the committee was able to address a number of issues that are important to women affected by armed conflict.

Three subcommittees were created to expedite the work. The Capacity Building Subcommittee was co-chaired by Carolyn Bennett, M.P., and Christine Vincent. The subcommittee generated a discussion paper on impediments to the participation of women in peace support operations and is currently developing a roster of senior level women with expertise to serve in such operations.

The Gender Training Subcommittee was co-chaired by Sue Barnes, M.P., and Beth Woroniuk. In early March, the subcommittee successfully piloted a Canadian version of the Canada-United Kingdom developed gender and peace-building course for a mixed military, NGO and government audience.

Finally, the Advocacy Subcommittee was co-chaired by Kathy Vandergrift and myself. Over the past six months, the subcommittee held seven round tables across the country with Afghan-Canadian women. A report entitled "A Stone in the

Water." has been produced and was presented last week to Minister Graham.

Honourable senators, the Canadian Committee on Women, Peace and Security will continue to work in the upcoming year to contribute to the critical task of building sustainable peace for all.

## ROUTINE PROCEEDINGS

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Marjory LeBreton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit Wednesday, November 20, 2002 at 3:30 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

### ABORIGINAL PEOPLES

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Terry Stratton:** Honourable senators, I move, with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Aboriginal Peoples be empowered, in accordance with rule 95(3), to sit at 9 a.m. on Tuesday, November 19, 2002, even though the Senate may then be adjourned for a period exceeding one week.

**The Hon. the Speaker:** Honourable senators, is leave granted to put this motion?

**Hon. Senators:** Agreed.

Motion agreed to.

### DISCRIMINATORY AND NEGATIVE PERCEPTIONS SURROUNDING RESIGNATION OF FORMER SOLICITOR GENERAL LAWRENCE MACAULAY

#### NOTICE OF INQUIRY

**Hon. Elizabeth Hubley:** Honourable senators, pursuant to rule 57(2), I give notice that, on Wednesday, November 20, 2002:

I will call the attention of the Senate to the discriminatory and negative perceptions and views of certain Opposition Members of Parliament and national media towards Atlantic Canada, and Prince Edward Island specifically, in relation to the circumstances surrounding the resignation of the former Solicitor General of Canada, Mr. Lawrence MacAulay.



## QUESTION PERIOD

### FOREIGN AFFAIRS

#### RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

**Hon. David Tkachuk:** Honourable senators, yesterday in the *Ottawa Citizen*, the Minister of Foreign Affairs, Bill Graham, reportedly hinted that the military wing of the Shiite Muslim organization Hezbollah is about to be added to Canada's list of terrorist organizations under legislation that makes memberships in such groups punishable by 14 years in prison.

I was somewhat confused by that statement. Can the Leader of the Government in the Senate please clarify for us how Canadian current policy is similar or dissimilar to that of the United Kingdom with respect to the Hezbollah?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator asks for a comparison between the two countries. I will try to do the best that I can.

The essence of the question is that there are two listings. The first listing addresses the problem of terrorist financing pursuant to United Nations regulations, and the External Security Organization, which is the military wing of Hezbollah, is listed under this regulation. That regulation has been respected in Canada as well as in the United Kingdom. That is the listing in which both have done exactly the same thing. They have both listed the ESO as the military wing of Hezbollah.

For the information of the honourable senator, that list that the United Nations has created now includes 106 entities and 228 individuals, of which the External Security Organization of Hezbollah is one. That is the exact formulation used by both Canada and the United Kingdom.

**Senator Tkachuk:** Honourable senators, in a previous debate on October 23, 2002, the leader said:

Honourable senators, with the greatest of respect, the United Kingdom knows about it —

— she was referring to another matter —

— which is why the United Kingdom and Canada have followed the same policy with respect to Hezbollah. Both countries have listed the external security organization of Hezbollah as a terrorist group.

The leader does say “the same policy.”

At present, can a Canadian citizen, or an immigrant living in Canada, but not yet a citizen, be a member of the external military group in this country?

**Senator Carstairs:** Honourable senators, that is a very specific question that I cannot answer at this time. I will have to provide an answer because of the specific nature of the honourable senator's question.

• (1440)

**Senator Tkachuk:** Can the military arm of Hezbollah actually solicit, and not necessarily keep, money and recruit membership in their organization in this country?

**Senator Carstairs:** Honourable senators, as I indicated in response to an earlier question, the list that has been proposed and developed by a United Nations resolution does cover the issue of terrorist funding. The list includes the External Security Organization, ESO, of Hezbollah, which is also included in the Canadian list because we respect the United Nations resolutions.

In response to the specific nature of the honourable senator's question, it is my understanding that they could not do that in Canada. However, I will have to inquire further because I do not want to give the honourable senator any misinformation. My understanding is that this regulation prohibits those exact activities — solicit money and recruit members. Canada is a signatory to the UN resolution. If additional information is available, I will obtain it for the honourable senator as soon as possible.

**Senator Tkachuk:** Honourable senators, I have one further question. On October 23, the Leader of the Government in the Senate said that we have the same policy as has Great Britain. However, she is not sure whether one can be a member of the ESO in Canada, although one cannot be a member of it in the United States or in Great Britain. Could the honourable leader clarify this for the house?

I believe that one is able to recruit members to the ESO, which is the military wing of Hezbollah, in this country, and that one is able to solicit funds. I am not certain of that, however, because the information surrounding the issue has been nebulous. In Great Britain, one cannot do any of those things. They are forbidden. The honourable leader did say that Canada's policy is the same as that of the United Kingdom, so I do not think I am wrong in my comments. The Web site of Foreign Affairs is confusing, and it is difficult to understand just what Canada's policy is on this issue.

**Senator Carstairs:** Honourable senators, I believe I have that clarification for the honourable senator. Canada listed the Hezbollah External Security Organization that we have referred to a number of times, which is the military terrorist wing, on November 7, 2001, under Canada's UN Suppression of Terrorism Regulations. Those regulations prohibit the provision of funds to or the collection of funds for a listed organization and require the freezing of the property of the listed organization.

**Senator Tkachuk:** However, it is not illegal to solicit money or be a member of the ESO.

**Senator Carstairs:** As the honourable senator is aware, I took that question under advisement, and I will provide a response at another time.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have examined today's issue of Quorum. On page 10, there is a reference to an article in *The Kingston Whig-Standard* that refers to a former military attaché in Canada who now lives in Kingston. The headline of today's article states that Bill Graham is making a huge mistake. I wish to quote from the Quorum article so that the Leader of the Government in the Senate may respond, after she has had an opportunity to confer with Minister Graham. The article reads, in part, as follows:

A former military attaché who was once kidnapped in the Middle East by members of the militant Hezbollah organization calls the Canadian government's refusal to outlaw the entire group irresponsible and naive. Retired Lt.-Col. Bob Chamberlain says Hezbollah is a terrorist organization and Canada's decision to separate the group's military side from its social and religious arm makes no sense.

The article continues with a quote from the former military attaché. He is reported as having said:

The sooner we put them on the terrorist list the better. Hezbollah is a terrorist group. In my opinion, Hezbollah is the same as the Taliban in Afghanistan. And do we separate the different arms of the Taliban? No.

The article continues:

The Canadian Security Intelligence Service has said that Hezbollah is collecting money in Canada to finance activities in the Middle East.

Honourable senators, allow me to provide the adjunct that they do not make a differentiation between the two. The article continues:

He says Graham is wrong if he thinks that money raised for one arm of Hezbollah doesn't benefit the other.

Could the Leader of the Government in the Senate bring that to the minister's attention? Perhaps this additional information will finally put to bed the whole question of separating the various arms of Hezbollah, and outlaw them.

**Senator Carstairs:** I thank the honourable senator for his question. At this time, the Government of Canada and the Government of the United Kingdom have clearly separated Hezbollah into its External Security Organization, which everyone recognizes as a military terrorist organization, and other organizations that use the Hezbollah name that do not fit into that description, including the 11 duly-elected members of Parliament in the country of Lebanon, who use the term "Hezbollah."

#### NATIONAL DEFENCE

##### PRINCE EDWARD ISLAND RESERVE REGIMENT— CONDITION OF VEHICLES

**Hon. J. Michael Forrestall:** Honourable senators, I have a question for the Leader of the Government in the Senate. I must preface it by saying that, knowing the leader's family for as many years as I have, I appreciated the sensitivity of her observations this morning. Honourable senators, it is with great pleasure that I

tell you that the Leader of the Government in the Senate does indeed work very hard to answer questions.

**Some Hon. Senators:** Hear, hear!

**Senator Forrestall:** She already has a ministerial inquiry underway into the state of Prince Edward Island regiment's 22 or so elitist jeeps. I ask her if she would be kind enough to request the vehicle maintenance logs for the Prince Edward Island regiment's jeeps to be tabled in the house. I also request any messages from the commanding officer of the regiment sent to brigade headquarters. I am referring to messages about the condition of the jeeps over the last six months and their impact on training. In that way, she and I will not be under any illusions as to the condition of these jeeps and the state of their capacity to assist in training programs.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the Honourable Senator Forrestall for his question. I would inform him that the inquiry has been made on behalf of the honourable senator and that it is nearing completion. I am hopeful that I will have the report when he returns after the break. I will not hold that answer back. I will then follow up with the acquisition of further information. I am certain the honourable senator was extremely pleased with the announcement yesterday, that new vehicles will be acquired for the military and that a rather substantive contract has been let. I am sure that we are both hopeful that some of those vehicles will make their way to Prince Edward Island.

##### REPLACEMENT OF SEA KING HELICOPTERS— MOCK RECRUITMENT POSTERS DEPICTING AIRCRAFT

**Hon. J. Michael Forrestall:** Honourable senators, more than that, I hope that the wrecks being replaced will be kept off the main highways of Canada.

Just so that our fellow Nova Scotians at Shearwater are not under any illusions, could the honourable leader tell the house if she, too, recognizes the frustration of the Sea King air crews, now under attack by the minister, which they have demonstrated by poking fun at the government's stalled Sea King replacement program, as illustrated in their mock-up recruitment posters?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I saw some of those posters, and my concern echoes that of our honourable colleague. We must always ensure that our military personnel fly only in equipment that is safe at all times. I know that opinion is shared by the Honourable Senator Forrestall. A total of \$80 million has now been spent upgrading the Sea Kings. They are safe, and those that fly on-board them are safe. That is the major issue here, that and their replacement. I know the Honourable Minister McCallum is working on that issue as quickly as he can.

• (1450)

##### REPLACEMENT OF SEA KING HELICOPTERS—DELAY CAUSED BY AIR CREWS—COMMENTS BY MINISTER

**Hon. J. Michael Forrestall:** Honourable senators, is it the view of the government, again as spoken by the minister yesterday, that the aircrews are to be blamed for the delay of the Sea King replacement, or was the minister on a freelancing lark? A "yes" or a "no" is all that is required.



**Hon. Sharon Carstairs (Leader of the Government):** I did not see any such comment by the Minister of Defence. I do not think it would be appropriate to blame aircrews for a lack of movement on this particular file at the present time.

#### REPLACEMENT OF SEA KING HELICOPTERS— PURCHASE AFTER DEPARTURE OF PRIME MINISTER

**Hon. J. Michael Forrestall:** Would it be the opinion of the Leader of the Government in the Senate that nothing will happen in regard to the replacement of the Sea King helicopters until such time as there is a new Prime Minister in this country?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, since I know the present Prime Minister will be in office until February 2004, I would hope that the honourable senator is wrong and that this procurement policy would proceed before that date.

### CITIZENSHIP AND IMMIGRATION

#### BACKLOG IN PROCESSING FILES

**Hon. Donald H. Oliver:** Honourable senators, my question for the Leader of the Government in the Senate has to do with immigration backlogs. At present, within the Department of Immigration, there is a backlog of 17,000 applications from potential immigrants who are married to Canadian citizens and are seeking permanent residence status. The backlog has extended the waiting time for an approval-in-principle letter from 90 days to at least eight months. The people left waiting for this letter are in a tenuous situation. They are unable to get work permits or health coverage. They are not able to go to school and, in most cases, are not able to leave the country without putting their application in jeopardy.

What steps is the government taking to ensure that the approval process for these immigrants returns to normal and their requests are dealt with in a more expedient manner?

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator knows, we have exceeded our target for immigration. There has been a great number of applications, and those applications are being dealt with appropriately. Additional resources have been given to Immigration in order to meet those backlogs. The very fact that we exceeded our target is an indication that great strides are being made in that department.

**Senator Oliver:** Honourable senators, my question was more specific. It dealt with those 17,000 people who are now being placed in jeopardy because they must wait not 90 days but eight months and who, during the waiting period, are unable to do those things that other citizens of Canada can do. What is being done about them?

**Senator Carstairs:** Honourable senators, they are a part of the department's entire file. Their cases proceed in the required order. The government is working as quickly as it can. We want immigrants in this country. That is why we have exceeded our targets. However, there are many individuals who wish to come to this country.

[Translation]

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a response to a question raised in the Senate on October 9, 2002, by Senator Kinsella, regarding passports.

### FOREIGN AFFAIRS

#### RELATIONSHIP BETWEEN ISSUED PASSPORTS AND NUMBER OF ELIGIBLE APPLICANTS RCMP—CONFIDENCE IN PASSPORT AS IDENTIFICATION

*(Response to questions raised by Hon. Noël A. Kinsella on October 9, 2002.)*

There are 8,893,836 valid Canadian passports currently in circulation. The only link between the size of the population and the number of passports is the amount of applications processed that result in the number of passports issued. (note: This total may not represent the absolute number of Canadians currently holding passports because children were previously added to a parent's passport; some were issued duplicate passports and some hold diplomatic and regular passports).

The Government of Canada is committed to maintaining the Canadian passport as one of the most secure travel documents in the world. Canada has recently implemented tougher regulations with respect to the types of passports and their issuance because it was discovered that earlier passports were too easily copied. The new passports have state-of-the-art features against fraud and increased information requirements from applicants. The improvements include: digitally-printed and "embedded" photographs; holograms; high-security, tamper-proof printing and "ghost" photographs which only appear under ultraviolet light security measures.

Complete documentary evidence of citizenship must accompany each application for a Canadian passport. That evidence includes a certificate of Canadian citizenship granted or issued to the person under the Canadian Citizenship Act. A person born in Canada must submit a birth certificate issued by a province or territory or by a person authorized by a province to issue such certificates. In Quebec, baptismal certificates, which were used as evidence of Canadian citizenship in the past are no longer viable for that purpose. All persons born in Quebec must submit a birth certificate issued after January 1, 1994. The Director of Civil Status of the Government of Quebec is now the only authority to register birth and issue birth certificates in the province.

Regarding the matter of the Royal Canadian Mounted Police (RCMP) identity check of a Girl Guide Leader applicant in Oromocto, New Brunswick, the RCMP confirms that it continues to have the highest regard for the security of the Canadian passport. The RCMP says what was done at their Oromocto Detachment is standard practice. The only way to conduct a criminal history check is through the submission of fingerprints. The passport may serve as identification but is not suitable to provide an individual with a criminal record check.

[English]

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, we have the pleasant duty, today, to welcome visiting House of Commons pages. I should like to introduce the first three pages who are visiting from the other place this week.

[Translation]

Isabelle Dufort is pursuing her studies at the Faculty of Social Sciences at the University of Ottawa. She is majoring in international studies and modern languages. Isabelle is from Orléans, in Ontario.

[English]

Faizel Gulamhusein of Burnaby, British Columbia, is pursuing his studies at the Faculty of Social Sciences at the University of Ottawa. He is majoring in political science and philosophy. Welcome.

[Translation]

Finally, Nicolas Lavoie, from Cornwall, Ontario, is pursuing his studies at the Faculty of Arts at the University of Ottawa and is majoring in history. Welcome, to you all.

[English]

## ORDERS OF THE DAY

### CRIMINAL CODE FIREARMS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I listened carefully to the debate over Bill C-10. A number of questions have arisen in my own mind about the bill, based on my understanding of the interventions of honourable senators. As such, there are four points that I should like to reflect upon.

The first area that I should like to reflect upon is the impact of this legislation on the research community, whether the research community at universities or the research community in the private sector. As honourable senators know, animals are used in research. If it were not for the ability of the researchers to conduct

experimentation and testing with the aid of animals, much of the progress that has been made in modern medicine would not have been made. Therefore, honourable senators, it is my hope that, when this issue is examined in detail, special attention will be given to ensure that the research community in Canada is not placed in jeopardy by the proposed amendments to the Criminal Code that the bill is making.

The second area of questioning in my mind is more philosophical. It relates to the language used during the debate. Some have used phrases like "animal rights." That raises a number of questions as to whether, philosophically, animals have rights in the real sense of rights or, indeed, whether the phrase is being used in an analogous sense or in a metaphorical sense. It seems to me, honourable senators, that the proper subject of real rights is real people. That flows logically from the nature of rights, which is a social concept that requires evaluation, measuring against a norm or a criterion and the expression of an ethical judgment, all of which are the kinds of clear activities of humans.

I can understand human rights and can understand the importance of psychological development in humans and that it is not a good thing for humans to get into behavioural patterns of destroying the things of nature. There is good sociology and good psychology around the proposition that things ought to be allowed to grow and develop according to their appropriate nature. However, the committee might want to exam in depth whether we are speaking of real rights when speaking of animal rights.

• (1500)

My third concern arising from the debate relates to the objective of the legislation. Bill C-10 is comprised of two parts, one of which deals with firearms. However, honourable senators, I wish to focus for the moment on the part of the bill that focuses on cruelty to animals.

Honourable senators, what is the objective of this proposed legislation? When codifying provisions that are already in the Criminal Code dealing with the prescription of conduct regarding cruelty to animals, what is the best way to achieve the objective of not having humans being cruel to animals, or being cruel to any living thing in nature for that matter?

I refer to my colleagues who conduct research at the university level. Based on my observation, these researchers use animals in a controlled and highly ethical manner. It is noteworthy that it is the research community itself that has established, voluntarily, very specific ethical standards relating to research that involves the use of animals.

Honourable senators, would it not be better for this kind of legislation to promote education and standard-setting by the various communities that work with animals, whether it be the hunting community, the veterinarian community, the research community, or other communities that deal with animals? Would it not have been better for this government to set up a regime wherein those people who are working with animals would establish, through education, a high ethical standard, rather than using the sledge hammer of the Criminal Code? The committee might want to examine that question when considering the fundamental principle of the bill.



My fourth point regards the stage at which we find ourselves in the legislative process. Solid arguments have been advanced in this chamber from all corners over the last number of days. The question was raised in yesterday's interventions that perhaps this bill should be split. There are procedural difficulties of doing that at second reading. The intervention of the Honourable Senator Baker on that particular point was correct.

However, I submit for consideration by honourable senators another possible technique. Given the serious questions on the substance of the bill at this stage and the hesitation in the minds of many honourable senators about the principle of the bill, there is a technique that would allow us to avoid that question of principle while allowing the proposed legislation to progress. In other words, honourable senators, the bill could be referred to the appropriate committee prior to second reading. Honourable senators might wish to reflect further on that suggestion.

**Hon. Senators:** Hear, hear.

On motion of Senator Adams, debate adjourned.

[Translation]

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament. (7th day of resuming debate).

**Hon. Gérard-A. Beaudoin:** Honourable senators, I am pleased to rise today in reply to the September 30, 2002, Speech from the Throne.

The foundation of federalism in our country is the sharing of jurisdictions between the federal and provincial governments. There are quite a few federal states in the world, including Canada. Any federation experiences periods of centralization and decentralization. This is unavoidable, and it is true for Canada.

I would like to say a few words on the federal spending power in Canada. The federal spending power in Canada was recognized by the courts in 1937. The federal government can spend money in its own jurisdictions, and also in provincial jurisdictions. However, according to the Privy Council, it cannot legislate in provincial jurisdictions. The spending power can help maintain a financial balance in a federation. That power is there to stay, and this is a good thing.

I am also pleased about the equalization process provided for in section 36 of the Constitution Act, 1982. This is something unique to our country. The spending power plays a great role in our country. It is necessary. Incidentally, so far, no province has

challenged that power in a court of law. However, Quebec has always been vigilant, to keep its legislative prerogatives intact. This is necessary to preserve the federation's balance.

I detect a kind of a constant in the Speech from the Throne. In this regard, I can list a few elements: health care, poor families and social assistance, securities, the new urban strategy, and minority-language education so as to double, within ten years, the number of bilingual high school graduates. These issues are largely a provincial matter.

It goes without saying that the federal spending power will have to be taken into consideration in reaching certain objectives outlined in the Speech from the Throne. The provinces have a lot to say on this issue, and they will have to negotiate. I wish to draw the attention of my colleagues to the negotiations that will soon keep us busy. This is part of our constitutional history.

• (1510)

One of the first issues that will capture our attention will be health care.

There are several items on health care in the Constitution. The provincial legislatures have exclusive jurisdiction when it comes to establishing, maintaining and administering hospitals. The federal Parliament has exclusive authority over quarantine and marine hospitals.

The provincial legislatures therefore have the power to organize a hospital system, establish systems to cover health insurance and hospital insurance.

Administering the medical profession and health sciences falls under provincial jurisdiction pursuant to sections 92(13) and 92(7) of the Constitution Act, 1867. The provinces can, obviously, regulate the nursing and pharmacy professions. The provinces may also legislate generally, on matters of hygiene, medical research, medical schools and institutes. Rest homes, asylums, care for mental health patients and persons with disabilities also come under the provinces' responsibilities. The right to strike in the medical and hospital sectors is also a provincial matter. Other items come into play with section 92(7) on occasion to provide further and partial support to provincial jurisdiction in the area of health: section 92(13), already mentioned, and section 92(16) in particular; also sections 92(6) and 92(2) in addition to sections 93 and 95. In other words, provincial jurisdiction in the area of health is considerable.

The federal power may also legislate in certain areas of health, under its ancillary power. As such, its legislation will be valid if the health provisions are necessarily attached to its particular areas of jurisdiction. An example of this would be inmates, members of the military, immigrants and veterans. One very important federal authority in health is certainly the federal spending power, which I mentioned earlier. Ottawa and the provinces have been negotiating matters of health for a long, long time. This must continue.

The Speech from the Throne touches on other subjects. It deals with securities. This was a provincial responsibility to begin with. The Supreme Court of Canada had the opportunity to reaffirm this in the *Global Securities* judgment in 2000.

In this case, the Supreme Court ruled that the British Columbia Securities Commission could also gather information from securities regulators outside of British Columbia. This was based on paragraph 141(1)(b) of the Securities Act, which contains two objectives: guaranteeing cooperation with other jurisdictions and identifying misdemeanours committed in other jurisdictions by brokers registered in British Columbia.

The pith and substance of section 141(1)(b) of the Securities Act is the effective regulation of domestic securities, which falls within provincial authority under section 92(13) of the Constitution Act, 1867. The interprovincial aspects of the Securities Act are purely ancillary and part of the commission's mandate, which is to obtain reciprocal cooperation and uncover securities violations abroad.

Of course, if the federal government wants to interfere with securities, it may fall back on its authority in criminal law to prevent and punish fraud.

The new urban strategy was another subject covered in the Speech from the Throne. It concerns cities, of course, and involves a new ten-year infrastructure program. As we know, cities and municipalities are an exclusive provincial jurisdiction. This principle was once again reaffirmed by the Quebec Court of Appeal in *Westmount v. Attorney General of Quebec*, and permission to appeal this judgment was denied by the Supreme Court of Canada. According to the Speech from the Throne, the federal government's interference with urban affairs will be in partnership with the provinces and municipalities.

Minority-language education, with a goal of doubling within ten years the number of bilingual high school graduates, is no doubt a lofty and commendable objective. Again, an agreement will have to be entered into with the province, because education is an exclusive provincial jurisdiction.

During the 19th century, confessional schooling rights and double taxation were the main focus of attention. Nowadays, in Quebec, the language of instruction is at the forefront.

These are, honourable senators, a few of the issues addressed in the Speech from the Throne that attracted my attention and are likely to raise questions for anyone who considers respect for the Constitution as an important principle.

I have always said that the existing division of powers is basically appropriate. I do hope that we can preserve this division and continue to negotiate and act in partnership with the provinces in the areas I discussed in my speech.

[English]

**Hon. George Baker:** Will the honourable senator permit a question?

**The Hon. the Speaker pro tempore:** Will you accept a question, Senator Beaudoin?

**Senator Beaudoin:** Yes.

[ Senator Beaudoin ]

**Senator Baker:** Honourable senators, I thoroughly enjoyed the honourable senator's analysis of federal-provincial responsibilities. I think that the three main subjects he covered, namely securities, health, and education, are distinguishable.

As far as securities are concerned, provincial regulation is recognized under the Securities Act of the province. There is also the federal Winding-up and Restructuring Act. An investigation would start under the provincial Securities Act. Each Securities Act provides the mechanism for investigations, either by the regulators, the Superintendents of Insurance, or by the Minister of Justice in the province. These things sometimes happen in consort with the appointment of a receiver under the federal Winding-up and Restructuring Act or a liquidator. It is clear that one is provincial and one is federal. Both duties are distinguishable.

• (1520)

In health and post-secondary education, the responsibilities distinguishable to a certain degree prior to the mid 1970s. The federal government paid a percentage of the cost of medicare. Under the federal Hospital Insurance and Diagnostic Services Act, the federal government paid 55 per cent of the cost of running hospitals. An amount for post-secondary education was paid in relation to the expenditures in the provinces. All of a sudden, all of the provincial governments met in a federal-provincial conference and said that they wanted block funding. The federal government's response was to give them a lump sum of money and it did away with the agreements that existed in federal legislation.

My question to the honourable senator is as follows: Does he believe from looking at this that perhaps that is where the future lies as far as getting the federal government back into the proper percentage funding of our health and post-secondary education?

**The Hon. the Speaker pro tempore:** I am sorry to interrupt, Senator Beaudoin, but I must advise that your time has expired. You will have to ask for leave.

**Senator Beaudoin:** May I have leave to respond?

**Hon. Senators:** Agreed.

**Senator Beaudoin:** My point is this: Because this country is large and not all of the provinces are rich like Alberta, for example, we have a spending entrenched in our Constitution, and that is a good thing. It is there, and it will stay there.

However, as a jurist, I cannot but say that, in 1937, the judicial committee of the Privy Council said clearly that we should not invade the provincial domains with legislation. No one disagreed with the funding. I think that the federal authority is in a position to be able to adequately use the spending power, and I am in favour of that. It is good for the equilibrium of our federation. However, if the federal government legislates in this area, that would be another story.

The honourable senator referred to securities and winding up. If I am not mistaken, he also referred indirectly to bankruptcy. It is clear that bankruptcy is a federal matter. I referred to fraud in business, and there is no doubt that that is a criminal matter.



If I were to pass on some words of counsel, I would advise the federal government to use the spending power it has adequately and wisely. However, I would emphasize that it must respect the beautiful federation that we have. In my opinion, the division of powers in Canada is the best in the world. I have never seen a Constitution that is so clear in the field of the division of powers. However, I would add the caution that the federal government should not legislate in areas of provincial jurisdiction. It must respect the division of powers.

I am in favour of the spending power, but when dealing with education, health care and other areas that come under provincial jurisdiction, we must negotiate. This is the story of our federation.

Canada probably holds the best record in the world for federal-provincial negotiations. Not all federations meet many times each month, but that is what we do, and I approve of that.

Before we go further, honourable senators, I would suggest that we wait until we see the proposed legislation. The honourable senator is on the Legal Committee and he will know that the purpose of that committee is to ensure that any bill is respectful of the division of powers. We always determine that the bills that are referred to our committee are respectful of the Charter of Rights and Freedoms. If a bill meets those criteria, we will vote for it.

I cannot be more precise because we do not have before us the proposed legislation that the federal authority will produce. The federal authority may invoke the spending power, but it must respect the Constitution.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, the Speech from the Throne describes the sad state Canada was in a decade ago, that is under a previous government, and then goes on to tell us that today life is good because of the valiant efforts made by the government in power since 1993. This, of course, needs to be taken with a grain of salt.

As if the Liberal government were responsible for the general prosperity that reigned in North America until the summer of 2000. Everyone knows, or should, that the economic growth of our neighbours to the south during the 90s, as a result of technological development, is what increased the demand for our products and revived the economy in this country. That, coupled with our taxation system, which penalizes the ordinary taxpayer very much, meant that while we were getting out from under the budget deficit, Canadians' standard of living was not improving. It is only recently that the tax cuts that have been demanded for so long have finally had some slight positive influence on taxpayers' net incomes.

Things may seem to be going better, but surprise, surprise! There are still problems referred to in the government's Throne Speech and it is going to attack them with the same vigour it has for the past 50 years, particularly since these problems have been around since the post-war period and are still not resolved, despite the billions of dollars that have been put into their resolution by the welfare state.

The government lists a whole litany of good intentions, injecting money into all sectors for Canadians of all ages, from babies and students up to workers in all categories: scientists,

researchers, immigrants, military personnel, sports people, medical personnel, farmers. I could go on and on.

Public funds to Aboriginal people are being increased, as well as to those with housing problems or with drug problems. The government will take an interest in the administrators of overly greedy companies, in smart regulation — that is something new, before it was not! — smart borders — even our border will be smarter! — In cities, in official languages, in ethical guidelines for parliamentarians, in one more Public Service reform.

The government is not short on good intentions. This reminds me of CIDA. We want to help everyone, but since resources are limited, we have to make choices and target the real priorities if we really want some positive results.

The government has a hard time targeting its multiple actions. It wants everything, everywhere, all the time. This is reflective of a collective action that results in attempts to satisfy various interest groups by yielding to the demands of successive coalitions, which often pursue contradictory objectives. The outcome of this is that changes to the status quo always make winners and losers, and the art of leading consists in hiding the real impact of the decisions made. For example, the government may lower taxes on the one hand, but on the other hand it increases contributions to the pension plan, with the result that taxpayers cannot figure out all the changes on their pay cheques.

While I do not doubt the government's good intentions, I have no illusion about the mixed results of its actions. The government — which should be more cautious after all the negative impacts on the performance of its programs — is once again about to improve safety in the country, eradicate poverty, sign the Kyoto protocol, reform the health care system, invest more in research, promote apprenticeship, increase its assistance to Aboriginal people and fund urban infrastructure for ten years. All this with a balanced budget, even though we still do not know the cost of all these new initiatives.

• (1530)

The government seems to believe in miracles more than I do. Fifty years of observing the political and administrative process have left me scratching my head. Anyway, we shall see. I note however that, for a number of years now, we have been witnessing broken promises that have resulted in much frustration and cynicism, which explains in part the unwillingness of many to participate and even to vote.

The tax cuts contained in Budget 2000 are not enough to give Canada the impetus it needs in a very competitive world. This means that direct foreign investments will be few and far between, which will have a negative impact on productivity growth, because if we sell these investments, we lose the free technology that came with them. This also means that, logically, our investments abroad will increase. That is the case in Canada.

Contrary to common belief, more businesses are bought abroad by Canadians than are bought here by foreigners. This does not do the Canadian dollar much good. We cannot subject the Canadian economy to a higher cost structure and expect strong growth at the same time, particularly where the rate of productivity is concerned.

Still, there is room for progress on payroll taxes, corporate capital taxes and tax on pensions. The Auditor General went as far as to accuse the government of stealing from contributors to the Employment Insurance fund. How can we restore investor confidence in view of what some business leaders did, leaving with their pockets full of money and emptying those of their employees and retirees?

The government is very good at selling 10-year dreams, as it did with municipal infrastructure, which does not come under its jurisdiction. But where will the promising gestures be in 2003? The Prime Minister engages in activism, and the Minister of Finance puts on the brakes. This discordant duo is headed for more pulling and tugging than anything else. Meanwhile, the provinces are complaining that the federal government is not doing its share in health care, and the Canadian Forces are under-equipped according to the same minister.

The debate on the Speech from the Throne being a good forum for voicing preconceived ideas on a variety of issues, I would like to touch a word on the Senate, which has been the subject of excellent speeches by a number of honourable senators, including the Leader of the Opposition, the Honourable John Lynch-Staunton and Senator Austin. I know that Senator Joyal is about to offer us his own thoughts to follow up on the introduction he gave us a while back.

In my opinion, the Senate of the 21st century will not acquire the legitimacy it needs unless senators are selected differently. Today's democratic demands will never be satisfied unless they are elected. Since our regime has a systemic tendency toward the centralization of powers in the hands of the executive, and the head of the executive in particular, this election must take place outside the party framework, since the parties have a centralizing effect themselves in a British-style regime. The Senate would be the ideal place in a centralized regime, to avoid abuse of power, if we can set it up outside of partisan politics. Since the Senate is supposed to be a "countervailing power" to the House, to all intents and purposes, an election formula similar to the one adopted by France or Germany strikes me as essential.

The way I see it, there would be senators elected by local elites, in an election in which candidates would come from these same regions, that is the equivalent of two or three Quebec ridings. It would be an indirect election, outside of party lines, inexpensively run, and requiring but a few meetings. This election would create representation made up of persons from a variety of backgrounds whose careers and reputations, and stature within the region, would get them to Ottawa. They would no longer be elected because of connections with the traditional party machines.

We would have here, in our federal system, true regional representatives, with no ties to the parties in the House of Commons. This does not mean that the senators would not be politicians. Independent opinions could be expressed more freely on the quality of legislation. I am still surprised, and I find it unfortunate, that the government does not approve clear amendments to issues that seem simple to solve. Senator Murray must remember the amendment proposed to the act

creating the Canada Customs and Revenue Agency, to hire staff based on merit, in order to ensure their competence and objectivity. If we had had a different system than the one we have today, my proposed amendment would have passed. Discussions could give rise to an authentic political formula that would lead to compromise. The debate could produce unique initiatives.

The adverse effects of Canadian federalism, which is currently hampered by the federal spending power that results in power struggles between the provinces and a centralized federal power, would be tempered by more diversified regional voices, given the different situations even within the provinces. Finally, this arm of the federal Parliament could play a greater role in Canada's foreign policy.

In democracy in the 21st century, we must not leave the traditional prerogatives of the Crown intact when it comes to international relations, which nowadays, have numerous and considerable effects on domestic policies. For example, the important treaties that Canada wants to sign should be discussed in more detail in the Senate. Decisions related to our participation in armed conflicts should also be referred to the Senate. When we send soldiers to war, representatives of the people must have their say.

Finally, CIDA, which spends over \$2 billion a year, should have a statutory foundation that is debated in the Senate, which would provide a framework for its international development activities.

These, honourable senators, are some of my thoughts for this debate on reform to our institution, to enhance its role in the necessary balance of political powers.

[English]

**Hon. Mobina S. B. Jaffer:** Honourable senators, I am pleased to respond to the Address in reply to the Speech from the Throne on Canada's continuing commitment to diversity.

As is the case with a number of other senators in this chamber, I first came to this place in the fall of 2001 during the last session of Parliament. It was not a Speech from the Throne that set the tone for my first months here; rather, it was the horrible events that had taken place in New York, Washington and Pennsylvania only days before I was sworn into the Senate.

Canadians were justifiably afraid and called on their government to respond by examining issues of security, safety and counterterrorism. I was able to participate in much of the debate on these issues directly as a member of the Special Senate Committee on Bill C-36, the anti-terrorism bill. As both a refugee from Africa and a Muslim Canadian, I feel I was able to contribute a unique perspective to the debate on Bill C-36, a perspective that many Canadians who are members of minorities share. While I do not believe Canadians will ever be able to look at things entirely the same after September 11, our minds have gradually been able to return to other matters that are important to us.



The Speech from the Throne offers a concrete opportunity to return the focus of the government to all of the issues that matter to Canadians; for me, it presents the first opportunity to work with a fresh policy agenda.

The Speech from the Throne contained a number of new initiatives that are worthy of our attention and support, some of which have already been brought to our attention by other senators in the course of this debate.

I should like to focus on some points that I feel are particularly important, specifically the government's commitment to lower the barriers to the recognition of foreign credentials, to implement targeted strategies, to reduce the problems faced by new immigrants to Canada and to make training available in both official languages to the children of immigrant families. These points reflect an ongoing commitment of Canada's government to diversity and multiculturalism in our country.

It has often been said that Canada is a nation of immigrants. I speak from personal experience when I say that Canada and Canadians embrace different people and cultures like no other country. Canada provides not only a place for individuals to live, but also the space to practise their own religion and culture freely while still welcoming them into the Canadian community as equal partners. However, many of those who immigrate to Canada seeking opportunities for themselves and their families continue to face barriers to the recognition of their credentials because they studied or worked in foreign countries. In some cases, these difficulties have been caused by a simple lack of understanding on how education and employment standards in other countries compare to those of Canada.

• (1540)

In the Speech from the Throne, the Canadian government has committed itself to break down the barriers to recognition of foreign credentials and allow skilled foreign workers to join the Canadian workforce more quickly. This will allow individuals and families to realize the opportunities that originally drew them to Canada and to integrate into the Canadian workforce more quickly.

Honourable senators, I am very familiar with the source of problems that these sorts of barriers can pose. I was one of the many Ugandan Asians forced to leave Idi Amin's terror just 30 years ago, and I faced many barriers to the recognition of my credentials when I arrived in Canada as a refugee.

When Idi Amin took away all my possessions, he did not break my spirit. When Idi Amin made me stateless, he did not break my spirit; but when the Law Society of British Columbia told me I could not practice law, my spirit was broken.

I began working at the firm of Dohm, Macdonald Russell and Kawarski as a junior secretary. Thomas Dohm, a partner in the firm and a former Supreme Court justice, asked me why I, a London-trained lawyer, was working as a secretary. After I

explained my situation to him, he fought on my behalf, and I have been practising law in British Columbia since 1978. I have been living my dream.

Since then, I have met thousands of individuals across the country who are not able to live their dreams. They are unable to realize their dreams because of barriers to the recognition of skills and credentials earned in foreign countries. These people do not have Thomas Dohm to fight on their behalf.

By including a commitment in the Speech from the Throne to reduce the barriers to the recognition of foreign credentials, the government has given many Canadians a chance to realize their dreams. However, it is not only those who are coming to Canada who will benefit from the removal of these barriers, but all of Canada.

Our last census has shown that the Canadian population is aging, creating a need for more skilled workers to replace those who are now leaving or will soon be leaving the workforce. This is also why it is necessary to ensure that Canada becomes a destination of choice for foreign students with diverse skills. The increased efforts to bring these young, talented individuals to Canada will ensure that the foundation of Canada's knowledge-based economy remains sound for years to come.

However, it is not only the recognition of credentials that can pose problems for those who come to Canada from abroad. There are also any number of other problems that can interfere with one's ability to live and work in a new country. These could include language barriers, culture shock, or the general uneasy feeling of being an outsider in a new land.

One of the things that makes Canada great is that we pursue the integration of communities rather than the assimilation of individuals. This country is not a melting pot; rather, we have a country rich in diversity in which people can remain a part of their own communities while still participating fully in the larger society of Canada. We believe in integration of communities.

Our Constitution guarantees through our Charter of Rights and Freedoms that all Canadians should be treated equally. All of us here agree with that principle, but it is a much easier promise to make than it is to keep.

Barriers to full participation in Canadian society still exist. That is why I am so happy to hear that the government has committed itself to targeted strategies to reduce the barriers faced by immigrants to Canada. Continued harmony between the diverse groups of Canadian society is essential for our continued growth as a country. The Canada we want is both prosperous and inclusive.

Of course, when we speak of the future, our thoughts naturally turn toward our children. For many of those who come to Canada from other countries, it is at least as important that their children find opportunities as it is that they find them themselves. However, children also face barriers to full integration in Canadian society. Even though it may be easier for them to adapt to a new culture in some cases, other more mundane barriers can exist. These are, most of all, linguistic barriers.

Canada's diversity is highlighted by its bilingualism, and it is important that children of immigrant families be given an opportunity to learn both French and English so that they can both realize the greatest opportunities that our great country has to offer and have the broadest number of careers available and become fully part of Canadian society.

With Canada's aging population, the children of immigrant families need to be given the greatest possible opportunity to become members of the Canadian labour force. That is important for their own sake and for the sake of Canada's continued economic prosperity.

Ultimately, it is the things that have not changed in the Speech from the Throne that mean the most — the Government of Canada's on going commitment to harmony, diversity and multiculturalism. The Government of Canada understands the role that new Canadians have played and will play in the future of Canada and recognizes the benefit of making Canada the destination of choice for foreign-skilled workers.

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** On division.

Motion agreed to, on division, and Address in reply to the Speech from the Throne adopted.

On motion of the Honourable Senator Robichaud, ordered that the Address be engrossed and presented to Her Excellency the Governor General by the Honourable the Speaker.

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

On motion of Senator Kinsella, for Senator Oliver, debate adjourned.

[ Senator Jaffer ]

• (1550)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (committee meetings during adjournments of the Senate) presented in the Senate on November 6, 2002.—(*Honourable Senator Milne*).

**Hon. Lorna Milne:** I move the adoption of this report, honourable senators.

**The Hon. the Speaker pro tempore:** Is it your pleasure to adopt the motion?

**Senator Milne:** Honourable senators, allow me to provide some explanation, before we proceed further, to ensure that honourable senators have it clearly in their mind what this motion does. Rule 95(3) requires that committees obtain an order of the Senate should they wish to meet during adjournments of the Senate that would exceed a week. Assuming that the Senate will not be sitting next week and that it will follow its usual sitting schedule, a strict interpretation of this rule would mean that any committee wishing to meet between the time of adjournment today until 2 p.m. on Tuesday, November 19, would require an order of the Senate. Your committee does not believe that this interpretation of the rule reflects the current understanding of the Senate committee sitting schedule.

The purpose of this second report is to ensure that, when the Senate adjourns for more than a week, a committee may meet on any working day of a week during which the Senate is sitting. Of course, any committee wishing to meet outside its regular time slot would still require the approval of the whips.

I hope honourable senators will support the adoption of this report in order to allow our committees to function in a reasonable fashion.

**Hon. Lowell Murray:** Honourable senators, I was present at yesterday's meeting of the Standing Committee on Rules, Procedure and the Rights of Parliament, and I am glad to confirm the intent of this report as just explained to us by the chairman, Senator Milne.

There is, however, a problem, as the honourable senator is aware, with the wording of the report. Some of us have been into the dictionary since the report was presented yesterday and find that the use of the word "weekday" in the English version could mean any day except Sunday.

[Translation]

In the French version, the report uses the expression "n'importe quel jour de la semaine."

[English]

That could imply any day of the week, including Saturday and Sunday. I believe the honourable senator will accept the following amendment, which reflects what she has just said to us and which I know reflects the discussions in committee.



[Translation]

#### MOTION IN AMENDMENT

**Hon. Lowell Murray:** Honourable senators, I move that the French version of the report be amended as follows:

Au deuxième paragraphe, ajouter les mots "du lundi au vendredi" après les mots "n'importe quel jour de la semaine."

[English]

That the English version of the Report be amended as follows: in the second paragraph by adding the words "Monday to Friday" after the words "on any weekday."

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Carstairs, that this report be adopted as amended now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

#### POINT OF ORDER

**Hon. Peter A. Stollery:** On a point of order, honourable senators, I did not want to have my point of order upset the report by Senator Milne, but I just want to be clear in my own mind.

Honourable senators, as Chairman of the Foreign Affairs Committee, I gave notice, yesterday, that I would move a motion today. As I understand it, and I want to be clear about this, the adoption of this report means that the motion standing in my name does not have to be moved. Is that correct or not? I want to be clear about that, because members of my committee will be naturally wondering.

**Hon. Terry Stratton:** Honourable senators, is this outside the normal meeting time of the committee?

**Senator Stollery:** Honourable senators, for some years now, the Standing Senate Committee on Foreign Affairs has met on Tuesdays and Wednesdays. If there is a problem, the committee will meet on Mondays. There is nothing new about this block of times.

I am having difficulty providing a straightforward answer because for the last two or three years we have been using Mondays as one of our fallback positions.

**Hon. Lowell Murray:** Honourable senators, I hope the chairman of the committee will agree with my interpretation, since we are joined in the motion that was just passed. Senator Stollery's notice of motion reads:

That the Standing Senate Committee on Foreign Affairs be empowered...to sit at 6 p.m., on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

That is precisely the kind of motion we are trying to render unnecessary by the Rules Committee report that has just been rendered. My short answer is "yes," he can proceed to have his proposed motion stricken from the Order Paper and not proceeded with.

**Senator Stollery:** That is how I understood it. However, I am delighted that Senator Murray has made it clear I am assuming that we are all of the same view.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, on the point of order, this clarification of the rule will obviate the real problem that the rules try to obviate, namely, that meetings of committees will not take place when senators are not available, particularly those senators who are members of a given committee.

The schedule that we have for regular meetings and time slots is very carefully put together to avoid conflicts of scheduling for honourable senators.

• (1600)

When meetings take place outside of the regular schedule, some means of communication must be maintained so that the senators, who are members of those committees and who know whether they have conflicts or not, are well informed.

**Hon. Lorna Milne:** Honourable senators, it is my understanding that the passing of this report would negate the necessity for quite a few of the motions on the Order Paper. In particular, I would refer to Senator Stollery's motion, No. 58, Senator Fraser's motion, No. 59, Senator Losier-Cool's motion, No. 61, and Senator Murray's motion, No. 62.

**The Hon. the Speaker:** Does any other senator wish to comment on Senator Stollery's point of order?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, to paraphrase Senator Kinsella, some means of communication should be maintained when committees meet at a time outside their regular schedule. The members of each party must consult their whip to ensure that they can meet, that enough senators are available and, of course, that there is a meeting room available.

[English]

**The Hon. the Speaker:** The Honourable Senator Stollery's question has been answered by Senator Murray. Do you seek an order to have the motions recited by Senator Milne withdrawn?

**Senator Stratton:** Honourable senators, I tabled a motion similar to that today for Aboriginal Affairs.

**Senator Murray:** We are proceeding on the assumption that the Senate will be sitting during the week of November 18. Would the Deputy Leader of the Government confirm that by bringing forward his motion now?

[Translation]

**Senator Robichaud:** Honourable senators, I would simply ask that my honourable colleague be patient, and the information will be made available to him in due course.

[English]

**The Hon. the Speaker:** To answer the question of Senator Stratton, his motion has been withdrawn, with leave.

One of the house leaders should deal with this. Do you wish an order of the house to withdraw the motions recited by Senator Milne?

**Some Hon. Senators:** No.

## NATIONAL SECURITY AND DEFENCE

### MOTION TO AUTHORIZE COMMITTEE TO TRAVEL— REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Baker:

That the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, everyone is extremely proud of our Senate committees. They do an excellent job, and I happen to believe that they are at the very heart of our institution. It is in light of this that I decided to intervene on this motion today because I believe we all have a responsibility to preserve the reputation of our committees and their capacity to do good work. I should like to indicate that I have three major concerns with this motion.

My first concern is with the scope of the motion itself. Passing this motion would allow this committee to travel anywhere at any time as many times as it wants for the duration of this session. Honourable senators, the committee chairs have carefully not included travel in their orders of reference. The reason for that is that there is an understanding that travel must be funded by the Internal Economy Committee, and that travel would then be included as part of the funding for the entire reference to that committee. Having a separate and independent travel motion, it seems to me, is inappropriate in that we have no funding for this particular travel motion.

When I read the comments made by honourable senators, it seemed to me that what they were asking for was not unlimited travel, but travel in one particular instance, that is, a trip to

Colorado Springs on December 1 or thereabout. That is not what this motion reads. I must indicate that I have grave concerns with that.

I also have concerns about the cost implications. I heard that there were to be no costs with respect to this particular study. That seems to me to be not entirely the case. It would seem that there would be some costs for meals, incidentals or other expenses that senators would wish to bill to this committee. In conversations with the chair of this committee, he indicated there would be costs associated with this particular trip. The costs may not be high. They may be very low. However, honourable senators, it is the principle that is important here. We are talking about authorizing the use of public funds, which we do through the Internal Economy Committee, and this request is not in the form of a report from the Internal Economy Committee. That causes me concern.

I must say that my greatest concern relates to the independence of Senate committees.

Honourable senators, I think we would all agree that the Senate is not a department of the government. Indeed, the Senate is an independent House of Parliament. As such, it has an important role in holding government departments accountable. That is its function. It would be difficult for anyone to take a Senate committee seriously if it pretended to conduct a dispassionate, independent review of a department of the Government of Canada while, at the same time, accepting offers of free travel from that very same department.

I know that some may not think this is a perfectly reasonable analogy, but I do. Can honourable senators imagine what people would think if the Banking Committee which is presently studying bank mergers accepted free travel across this country on the private plane of the Royal Bank? To me, this would cause a serious erosion of our sense of independence as members of this chamber. It can be argued that the Department of National Defence is a government department, and we are part of the government, so it is not the same thing. I am afraid, honourable senators, I do not share that view. To maintain our integrity, we should pay the cost of our own travel so that it is seen to be above-board and that we are totally independent.

## MOTIONS IN AMENDMENT

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, for that reason, I move that the question before the Senate be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Tommy Banks:** Honourable senators, in referring to the substance of the leader's motion, I wish to take a moment to clarify something that I said yesterday, to which the leader referred.

• (1610)

In yesterday's debate, speaking of the proposed trip to which the leader has referred and the matter which the committee wishes to study, I said:



That is a clear and present question before us on our deliberations having to do with matters that the Minister of Defence, among others, has asked us to look at. It is at his invitation, as Senator Day has said, that we wish to make this trip. It may cost us a lunch out of our pockets or something like that. The point I wish to reinforce is that the transportation costs and the accommodation costs of this visit will in no way be a cost of or to the Senate.

Honourable senators, I misspoke yesterday. I spoke out of place because I took too great a liberty when I suggested that members had determined that they would pay those incidental expenses out of their own pockets, in that I had not spoken to all members of the committee. While I do believe that most, if not all, of those incidental expenses would be undertaken gladly by the members of the committee, it was presumptuous of me to say so.

Further, I have determined that there may be some additional small expenses, as the honourable leader has correctly pointed out. If we were to go as individual senators to that place, as opposed to going as a committee, then all of those incidental expenses could be paid properly by senators from their own resources. However, it is the committee's wish that it should travel to Colorado Springs as a committee. Therefore, the clerk would need to accompany us. Otherwise, it would not be the committee that was travelling. The clerk's expenses would be paid from the budget of the committee.

As the leader has correctly said, the expenses, if any, would be nominal because we would be staying in barracks and we would be eating in messes. In the past, there have been circumstances in which those kinds of trips have been at no cost whatever to the people who have made them. I now find that there are, depending on the specific arrangements made and the number of people involved, occasional nominal charges for accommodation, in the order of \$10 to \$20 a day.

I have determined that, in the worst-case scenario, and I am taking greater care than I did yesterday, the aggregate costs to the committee would not exceed the magnitude of \$5,000.

Honourable senators, the honourable leader has raised a question of propriety and potential conflict that she wishes to be determined by the Privileges, Standing Rules and Orders Committee. As I may not be able to appear before that committee, let me provide the benefit of an argument to consider. I would refer to the fact that many times in the past, most specifically with respect to a 1993 trip of that same committee to that same place, the trip was made on military aircraft. Members of the other place fly, not infrequently, to that same place on military aircraft and have noted a conflict of interest in doing so.

I should also like to report to you a discussion that the honourable leader and I have had in regards to her analogy of the Royal Bank flying members of the Standing Senate Committee on Banking, Trade and Commerce around the country on the examination of bank mergers. In my opinion, that would be palpably and clearly inappropriate and wrong, a clear conflict of interest. However, the Royal Bank is not a public institution. The Canadian Forces is a public institution.

Honourable senators, I shall provide another analogy, which I have provided to the honourable leader, an analogy that is at least as appropriate as the Royal Bank comparison. The offices that we occupy are operated and owned, for all intents and purposes, by the Department of Public Works and Government Services. As far as I know, there is no payment of rent by the Senate from its budgets for the offices that we occupy.

**Senator Kinsella:** It is owned by the people of Canada.

**Senator Banks:** I do not think that anyone would suggest to the Honourable Senator Murray that the committee he presently chairs, when considering the business of the Department of Public Works and Government Services and making policy recommendations to that department, is in the pocket of the Department of Public Works and Government Services because we occupy free offices that they own and operate. The Senate has never been seen to be in the pocket of the Department of Public Works and Government Services or of any other department that it has, from time, to time examined.

I must also point out that if it is true that travelling on DND vehicles of any kind and eating DND food of any kind is in fact a conflict of interest that places the findings of the committee at risk as to its propriety, then we have already blown it by a thousand miles. The National Security and Defence Committee rode on DND buses from Ottawa to the special services establishment during the last Parliament. That committee ate in messes 50 times during the course of its deliberations during the last Parliament. I do not think that anyone would suggest that, having eaten DND's food and travelled on their buses both within and without DND establishments, the deliberations and findings of that committee have been tainted.

I would hope that when considering this question the Privileges, Standing Rules and Orders Committee would also consider what I regard as a corollary. If the travel to Colorado Springs is in conflict of interest, we had better build into our budget a substantial rent payment to ensure that when National Finance Committee meets to consider the business of the Department of Public Works and Government Services we can be seen to be completely objective.

**Hon. Colin Kenny:** Honourable senators, I must say that I find the reasoning by the honourable leader to be curious. The implication that our committee would be in conflict because it might travel on a government aircraft to Colorado Springs can be addressed in any number of ways.

First and foremost, the very fact that the committee was prepared to come and stand in public and describe what it was doing has a serious implication for conflict. Given that the committee is declaring what it would be doing, this allows for people to examine the behaviour of committee members following the trip to determine whether anyone has been bought by the air ride. Judge us by our reports. Do not suggest that we will be bought by an airplane ride.

The leader has publicly described trips she has taken at the expense of the State of Israel, and no one in this chamber would suggest that she was bought or that there was a conflict of interest because she went to Israel at that country's expense. We know she is a honourable person, and we know that she was not bought by the flight.

To suggest that we would have our opinion altered by the flight to Colorado Springs, when we have publicly announced in this chamber that we would be going on that flight, is an impossibility. The best defence against a possible interpretation of conflict is declaring it. We are saying that this is how we will go about conducting the business of the committee. Judge us by what we accomplish.

We are not sneaking off on an airplane owned by the Royal Bank to fix a deal with somebody. We stood up in the chamber in an effort to be forthright. We stood up in the chamber, and we described how we were doing our committee business.

Our reports, by any measure, have not been patsies as far as the Department of National Defence is concerned.

• (1620)

No one can accuse us of being influenced by the department, whether they invite us down to Colorado Springs or whether we go over to the headquarters. There is a long tradition of parliamentarians using DND aircraft. There used to be a regular shuttle to Lahr that was taken by members of both Houses. We have already had reference to the joint special committee on the future of Canada's defence policy of 1993, which was not compromised by being flown on Department of National Defence aircraft or staying in Department of National Defence facilities. I spent a week in Bosnia, sleeping at the expense of the Department of National Defence. The accommodation happened to be a tent. My week was not bought by staying in the tent.

I deeply resent the suggestion that we might have a conflict here. That is not how this committee has been behaving. We have been behaving in an honourable way and to suggest we have been behaving otherwise is totally inappropriate. I expect the Leader of the Government to withdraw that statement. The idea that we should send something off to the Rules Committee when we have been behaving in an honourable fashion just appals me.

**Senator Carstairs:** Would the honourable senator accept a question?

**Senator Kenny:** Absolutely.

**Senator Carstairs:** Honourable senators, I was careful in my choice of words. At no time did I talk about a conflict of interest. Nowhere in my presentation did I speak about a conflict of interest. I spoke clearly about the independence of Senate committees. Does the honourable senator not see a difference between conflict of interest and independence?

**Senator Kenny:** Honourable senators, the independence of the committee is judged by the reports that it produces, and the honourable senator was suggesting that our independence would be influenced by the flight. The flight will not influence anyone's

independence, any more than the independence of the special committee in 1993, or your independence on your flight to Israel, or the independence of anyone else who is using government facilities that are there for general use. The independence of the committee is not at all in danger if we are standing up and declaring it publicly. It is not a question of us sneaking off. Yes, I understand what the leader's question is and my answer is "no."

**Hon. Lowell Murray:** Honourable senators, with great respect, I think the chairman of the committee is overreacting by taking as some kind of personal reflection the comments of the Leader of the Government on this matter. I listened to her very carefully, and I do not think there is any cause to interpret her remarks as a personal reflection on anyone or as a reflection on that committee.

In my humble opinion, what we have heard from her is an entirely proper exercise of her authority and her leadership of the Senate. I happen to agree with her fully on the first two points she makes about the motion. First, whether intentionally or not, the motion is open-ended. She has made that point and she is right.

I know the Honourable Senator Kenny's answer to that is we could not invoke the open-endedness of the matter without going to the Internal Economy Committee to get money for other trips. I know what he and other chairmen say when they get to Internal Economy. They say, "the Senate has already approved it, so give us the money because we have to go."

**Senator Kenny:** It is not true.

**Senator Murray:** It is true in a great many cases that once the Senate has approved a motion of that kind, the chairman of the committee in question attempts to confront the Internal Economy Committee with a fait accompli, suggesting to them that they have no choice but to come up with the money for travel or whatever the expense may be.

On the second point she made, I guess I have covered that as well. It is not, as Senator Banks pointed out, a great deal of money. There is, however, a principle to be observed here. Due process is important. I have always asserted and continue to assert that good results cannot come from bad procedure.

On the third point, the appropriateness of the committee accepting free transportation and hospitality from the Armed Forces, that is a matter on which I am sure there will be various opinions. It is only proper they be canvassed in the committee to which the Leader of the Government has suggested we refer this motion. That is appropriate. If the Leader of the Government has erred, she has erred on the side of prudence, caution and the reputation of the Senate, and I say good for her.

**Senator Kenny:** Will the honourable senator accept a question?

**Senator Murray:** If my colleague wishes to ask me to about my frequent flyer points on the Challenger aircraft, yes.

**Senator Kenny:** I will lighten up.



The honourable senator's comment about chairs going to the Internal Economy Committee suggesting that they have motions from the chamber is one that I have not experienced. I have been a member of the Internal Economy Committee on and off for more than 16 years. Senator Murray has had similar experience on the Internal Economy Committee, and I would be happy if he would name an instance where a chair has come before it in this sort of scenario. Which chair? Which committee? When did it happen? I have never heard of that happening.

**Senator Murray:** Honourable senators, I wish I could name a chair and a committee, but it has happened so frequently in my experience. Committees have come looking for a budget and have said, "We have a mandate from the Senate. The Senate wants us to do this, now produce the money for our trip." In my interpretation of what has happened and happens in the Internal Economy Committee, it is an almost weekly occurrence there.

**Senator Kenny:** If it has happened so frequently, perhaps the honourable senator would undertake to advise the chamber of when and how. I hear it mooted about, but I have never seen a chair actually come out and say it. I have heard people use it in a theoretical argument here, as the honourable senator is doing now, but not citing chapter and verse on it. It has not happened chapter and verse in my experience, so I am curious whether we are sitting on the same committee.

**Senator Murray:** Honourable senators, not to put too fine a point on it, but we were confronted with this situation on certain security matters relating to this place, not very long ago. When the budget was put before us, we were told that the matter had been before the committee on several occasions, the committee had approved the matter and therefore we should come up with the money.

That is not quite the same thing, I agree. However, if the honourable senator were to examine those meetings of the committee over a period of years in respect of which there may be a public transcript available, he will definitely find such references, perhaps not in so many words, but clearly enough to read between the lines. That is the argument that is frequently made: "We have a mandate. Come and give us the money."

**Senator Kenny:** With respect, honourable senators, it is difficult to read between the lines. Either someone asked for it or they did not.

**Senator Murray:** That is exactly the argument; they are made all the time.

**Hon. Joan Fraser:** Honourable senators, what I am about to say has nothing to do with the integrity of senators. One of the things that has impressed me most profoundly since I came to this place is the extraordinary dedication to the public interest of the members of this chamber on both sides of the house.

• (1630)

Having said that, it has long been my view, publicly expressed on many occasions, that it is inappropriate for members of either House of Parliament to take sponsored trips of any kind. It is not

so much because it will affect their judgment, although it might, as because in some cases it has the effect of affecting the public's appreciation of and trust in the independence of our work.

I was quite sorry that the ethics package did not address this matter in a more authoritative way and did not just simply ban, outright, sponsored travel. Be that as it may, my most serious problem with the motion proposed for the Standing Senate Committee on National Security and Defence is one of the other elements raised by the Leader of the Government; that is, as Senator Murray has noted, the open-ended nature of this motion. I believe I understand the reasons advanced as to why an open-ended motion seemed appropriate. Nonetheless, this is not an appropriate way for us to go about the management of public funds. To say that any committee can choose to travel where and when it chooses for the duration of Parliament is not an appropriate way for us to act as custodians of public money. Therefore, I support the leader's motion.

**Senator Banks:** Would the honourable senator accept a question?

**Senator Fraser:** Certainly.

**Senator Banks:** I absolutely agree with the honourable senator in the normal sense of authoritative travel. However, in this instance, if the Standing Senate Committee on National Security and Defence has determined that, in order to answer certain questions it must visit a military base, then I would point out that the only way the members of the committee could have access to that base would be on a military vehicle. On the occasion of our visit to the special services establishment, no public vehicles were permitted to enter the area. Short of taking in suitcases full of peanut butter sandwiches, how could that sponsored travel be consistent with the view that there ought not, in any circumstances, be any activity which is seen to be in any sense related to sponsored travel? It would be literally impossible. The result would be that the Standing Senate Committee on National Security and Defence could never visit a military base.

**Senator Fraser:** There are usually ways around these things, senator. This is a more complex issue, as is often the case, than it appears at first blush, which is why I think it would be appropriate for the Standing Committee on Rules, Procedure and the Rights of Parliament to look at this issue. I would observe, however, as I sometimes recall here, that I spent many years as a journalist. Journalists are required to cover many stories, and it is in the public interest for them to cover those stories. Those can sometimes only be covered by travelling on military aircraft to military sites or on election campaigns, for example, on the leader's tour. It is very simple: They pay. The defence department provides an estimate of the cost of the trip and the newspaper pays.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the situation as I see it is the one wherein the Standing Senate Committee on National Security and Defence has laid before us a clear objective of visiting this particular military installation. The timeline for that, if I have understood it correctly, is that the trip would take place on December 1. I agree with Senator Murray in his analysis of the situation that there may be some technical problems with the motion and its scope.

I am somewhat concerned with the hesitation to use Canadian Forces aircraft. The last funeral of a senator I went to was on a Canadian Forces aircraft. Neither the deceased nor myself felt conflicted. Perhaps there is a solution to this. If the Standing Committee on Rules, Procedure and the Rights of Parliament were to be seized of this matter in order to clear up the issue of the scope, it could report back by November 21, for example, and that would leave sufficient time to make arrangements, should it report back with a narrowing of the scope and with recommendations. It may allow a larger number of our colleagues to participate in the debate and provide more data for the debate.

Consequently, I would move, in amendment, that the following words be added:

And, that the Committee report back to the Senate on this matter no later than November 21, 2002.

**The Hon. the Speaker:** Honourable senators, it is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton:

That the motion in amendment of the Honourable Senator Carstairs be amended by adding the words:

That the Committee report back to the Senate on this matter no later than November 21, 2002.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.

Motion in amendment agreed to.

**The Hon. the Speaker:** Honourable senators, is the house ready for the question on the motion in amendment, as amended?

It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Robichaud:

That the question be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament; and

That the committee report to the Senate no later than November 21.

Is it your pleasure, honourable senators to adopt the motion in amendment, as amended?

**Hon. Senators:** Agreed.

Motion in amendment, as amended, agreed to.

## TRANSPORT AND COMMUNICATIONS

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 59:

That the Standing Senate Committee on Transport and Communications be empowered, in accordance with rule 95(3), to sit at 9:30 a.m. on Tuesday, November 19,

2002, even though the Senate may then be adjourned for a period exceeding one week.

**Hon. Joan Fraser:** Honourable senators, in light of the adoption of the Standing Committee on Rules, Procedure and the Rights of Parliament second report, I seek leave to have this motion dropped from the Order Paper.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion withdrawn.

• (1640)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO STUDY MATTERS RELATED TO MANDATE

**Hon. Tommy Banks,** pursuant to notice of November 6, 2002, moved:

That the Standing Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and,

That the Committee report to the Senate from time to time, no later than February 28, 2005, and that the Committee retain until March 31, 2005, all powers necessary to publicize its findings.

Motion agreed to.



[Translation]

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING ADJOURNMENT OF THE  
SENATE WITHDRAWN

On Motion No. 61:

That, pursuant to rule 95(3), the Standing Senate Committee on Official Languages have permission to meet at 4 p.m. on Monday, November 18, 2002, for the purpose of discussing its future business, even though the Senate may then be adjourned for a period exceeding one week.

**Hon. Rose-Marie Losier-Cool:** Honourable senators, with leave of the Senate, I ask that this motion be withdrawn.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion withdrawn.

[English]

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING ADJOURNMENT OF THE  
SENATE WITHDRAWN

On Motion No. 62:

That the Standing Senate Committee on National Finance be empowered, in accordance with rule 95(3), to sit at 9:30 a.m. on Tuesday, November 19, 2002, even though the Senate may then be adjourned for a period exceeding one week.

**Hon. Lowell Murray:** Honourable senators, on the assumption that the Senate will be sitting during the week of November 18, I ask leave to withdraw this motion.

**The Hon. the Speaker:** I am not sure we can accede to conditional requests for leave.

**Senator Murray:** I ask for leave to withdraw the motion, in full confidence that the Deputy Leader of the Government will move the adjournment and that the rest of the Senate will agree to his motion.

**The Hon. the Speaker:** I do not think that is a condition.

Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion withdrawn.

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 19, 2002 at 2 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 19, 2002, at 2 p.m.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
 (2nd Session, 37th Parliament)  
 Thursday, November 7, 2002

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10							
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology					
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology					

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrester)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chailfoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							
PRIVATE BILLS									
No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

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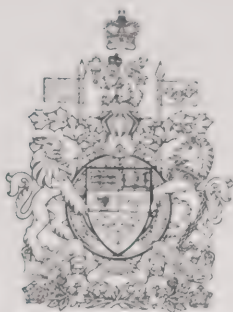
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CANADA

# Debates of the Senate

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•

VOLUME 140

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 19, 2002**

—◆—  
**THE HONOURABLE ROSE-MARIE LOSIER-COOL  
ACTING SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, November 19, 2002

The Senate met at 2 p.m., the Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker) in the Chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Acting Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. George Bowering, our first Parliamentary Poet Laureate. Mr. Bowering is a resident of British Columbia, and his appointment is for a period of two years.

[Translation]

On behalf of all the senators, I bid you welcome to the Senate of Canada.

[English]

Honourable senators, I also wish to draw your attention to the presence in the gallery of Senator Alan Ferguson, Chair, Standing Committee on Foreign Affairs and Trade, Australia. He is accompanied by senators and MPs from Australia.

[Translation]

On behalf of all the senators, I bid you welcome to the Senate of Canada.

[English]

### NATIONAL DEFENCE

#### APPEARANCE OF FORMER COMMANDING OFFICERS OF AFGHANISTAN AND CANADIAN JOINT TASK FORCE SOUTHWEST ASIA IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, and Major-General Michel Gauthier, former Commander Canadian Joint Task Force Southwest Asia, February to October 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole, the Honourable Lorna Milne in the Chair.

**The Chairman:** Honourable senators, pursuant to order, the Senate is resolved into Committee of the Whole for the purpose of receiving MGen. Michel Gauthier, former Commander Canadian

Joint Task Force Southwest Asia, and LCol. Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battalion Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

Before we begin, honourable senators, I draw your attention to rule 83, which states:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it your pleasure, honourable senators, that rule 83 be waived?

**Hon. Senators:** Agreed.

**The Chairman:** It is agreed.

**Senator Carstairs:** I move, seconded by the Honourable Senator Kenny, that MGen. Michel Gauthier and LCol. Pat Stogran be escorted to seats in the chamber.

**The Chairman:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Pursuant to Order of the Senate, MGen. Michel Gauthier and LCol. Pat Stogran were escorted to seats in the Senate chamber.

**Senator Kinsella:** Might I suggest, Madam Chair, if it is agreeable to honourable senators, that in the first round we limit ourselves to about eight or nine minutes per senator?

**Senator Carstairs:** The rules, as you know, honourable senator, say 10 minutes. If people will shorten that time, it would certainly be acceptable to me. I know many senators want to participate in this debate.

• (1410)

**The Chairman:** On behalf of all honourable senators, I welcome MGen. Michel Gauthier and LCol. Pat Stogran.

**Major-General Michel Gauthier, former Commander, Canadian Joint Task Force Southwest Asia:** Honourable senators, it is an honour for LCol. Stogran and I to report to you in this historic chamber, just as it was a tremendous privilege for both of us to command Canadian Forces personnel on Operation Apollo, Canada's military contribution to the global campaign against terror.



[Translation]

As many of you know, Canada was among the very first nations to join the United States in the global campaign against terrorism. Since early October of last year, well over 5,000 Canadian soldiers, sailors and air personnel have deployed overseas in support of this important mission, aimed at eliminating the threat of terrorism. The professional and selfless response of our men and women since the earliest days of this campaign has been a source of pride and inspiration to all of us who are privileged to lead them.

Over the next few minutes, I propose to give you a brief overview of the full breadth of the Canadian Forces' contribution to the campaign against terror, following which LCol Stogran will speak more specifically about the 3 PPCLI Battle Group and the ground campaign in Afghanistan. Following this, we will be happy to answer your questions.

[English]

By way of personal context, I will note that I assumed my duties as Commander of Canadian Joint Task Force Southwest Asia based at U.S. Central Command, Tampa, Florida, on April 19, 2002, the day after the tragic events at Tarnak Farm. It was in the face of this adversity that I was able to observe the inspiring professionalism of Canadian Forces personnel. It was epitomized by LCol. Stogran's personal response in the immediate aftermath of the bombing, caring for his fallen and wounded soldiers, while at the same time immediately preparing for the next operational mission. I saw it at all rank levels and in all three services, in response to a host of unique challenges that characterize military operations in the 21st century.

Operation Enduring Freedom is the U.S. designation for the global campaign against terror, and Canada's contribution to this operation has been significant on many fronts. Canada's Naval Task Group was the first, after the U.S., to arrive in the Southwest Asia theatre. At its peak, the Canadian Naval commitment included six warships and over 1,500 personnel.

A key component of the CENTCOM maritime campaign has been leadership interdiction operations aimed at intercepting terrorist leadership elements escaping in merchant vessels or fishing boats from Pakistan or Iran. The Canadian commodore in charge of Canada's Naval Task Group has, for virtually all of the past 12 months, been given responsibility for commanding these counterterrorist operations. On any given day, he might have as many as nine ships from eight different countries under his command, and that situation continues today.

Canadian and allied ships patrol the region constantly, hailing virtually all vessels transiting the area and, when necessary, visiting and physically boarding those that are suspicious. In the conduct of their LIO duties, Her Majesty's Canadian ships, with CP-140 Auroras and Sea King helicopters in direct support, have conducted over 50 per cent or approximately 16,000 of the total coalition hails, and 64 per cent or approximately 200 of the total coalition boardings. Sea King helicopters have flown more than 360 missions in the theatre. Of particular note, in July, it was a Canadian ship, HMCS *Algonquin*, that on two occasions captured suspected al-Qaeda operatives at sea.

Canadian sailors and ships have contributed out of all proportion to their numbers. This is a function of experienced leadership, effective training and a professional, purposeful mindset, together with robust rules of engagement and truly unequalled interoperability with U.S. maritime forces.

The allied perception of our naval contribution was aptly reflected in a letter I received recently from American Vice-Admiral Timothy Keating, the Commander of Coalition Naval Forces, who said, among many other things, "No individual was more instrumental in unleashing the combat power of the coalition forces in the Gulf of Oman than Canada's Commodore Eric Lerhe. He served with distinction, and we appreciate his service to this just cause."

[Translation]

Our air forces have made a diverse and equally meaningful contribution to the coalition air effort, with four different types of aircraft initially involved in the campaign. A strategic airlift detachment, based on a CC-150 Polaris (Airbus), was deployed in support of the campaign from November 16, 2001, until the end of May 2002, when its services were no longer essential. Through this period, it moved almost one million pounds of freight in support of the coalition logistics effort.

Two CP140 Aurora aircraft have flown 8 to 10 hour surveillance missions daily from a base in the Arabian desert in support of maritime operations. With their multi-faceted surveillance capabilities, the Auroras have been instrumental to building the coalition recognized maritime picture in support of counter-terrorist operations at sea. They also played a key role in the capture of the four suspected terrorists at sea. The Auroras were joined by a tactical airlift detachment composed of approximately 200 air personnel, and three CC130 Hercules aircraft. The detachment has been responsible for short haul airlift support to coalition forces. Its crews have carried more than 3,500 passengers and 4.3 million pounds of freight, and much of this has involved flying combat support missions into and out of Kandahar airfield in Afghanistan virtually daily.

[English]

The Hercules, the Aurora and the Sea Kings embarked on our ships are setting the coalition standard in their mission completion rates. All have drawn effusive praise from our allies. I believe we have been able to achieve this success for three main reasons: Our aircrew are as professional and well-trained as any; our ground crews are resourceful and just will not stop until the job gets done; and more than just about any other nation, we are team players — coalition objectives come first when it comes to getting the job done.

Honourable senators, LCol. Stogran will give you his first-hand insights into the historic experiences of the men and women of 3 PPCLI Battle Group. I will tell you that the breadth and depth of challenges they faced in Afghanistan is tough to encapsulate in a few words — the terrain; the mines; the destruction; the heat and the dust; deploying halfway around the world with an absolute minimum of equipment and supplies; integrating themselves into a close-knit fighting formation from another nation, U.S. Task Force Rakkasan; and most important, for the first time in five decades, preparing to engage in combat against a declared enemy.

Let me relate a few things LCol. Stogran would be too humble to say himself. I had occasion to deploy in Afghanistan four times personally. I can tell you that during each of those deployments, the praise I heard from U.S. commanders on the ground about our soldiers was overwhelming. The first of the two officers commanding Task Force Rakkasan, U.S. Colonel Francis Wiercinski, described 3 PPCLI's prowess and effectiveness on Operation Harpoon as the best he had seen in his 23 years of military service. His successor, Col. Michael Linnington, rated LCol. Stogran the best of his nine battalion commanders — the other eight being Americans, of course — and described the unit's execution of Operation Cherokee Sky in June as "flawless, in the toughest environment imaginable," a result that could only have been achieved by "a well-rehearsed, capably led and superbly conditioned outfit."

[Translation]

In addition to these operational units, two others should be mentioned briefly. Operation Apollo was sufficiently complex to warrant creating a unique joint national support unit (NSU) to cater to the diverse logistical support needs of deployed air, land and naval assets. The challenge of bridging the gap between home bases across Canada and the units deployed at sea, in the Arabian desert, and in Afghanistan was monumental; our support personnel have been outstanding.

[English]

Also, since the earliest days of the operation, Canada has had a robust national command element, co-located with CENTCOM headquarters in Tampa, which serves as a bridge between the tactical units deployed and the strategic level in Ottawa. The staff works hand in glove with the staff of CENTCOM and has played an important leadership role in the coalition planning effort in Tampa.

• (1420)

There is so much more I have not said in the interests of time. I met, spoke with and observed literally thousands of our men and women during my six deployments forward into the mission area. Above all, from my perspective, this is a human story in two important respects. The first is one of professional excellence, pride in doing one's best, and courage under physically demanding and dangerous conditions. It is equally a story of selfless service to the nation.

I will end by saying that it was a unique honour for me to play a role in this important campaign and an inspiring opportunity to witness so many Canadians doing their country proud. They deserve our full support.

**The Chairman:** Thank you. We have next LCol. Pat Stogran, who has been sitting here listening to the high praise that has been bestowed upon him.

**Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces:** Honourable senators, may I start by echoing the

comments of MGen. Gauthier regarding what an honour it is to present myself before this Senate Committee of the Whole.

In February of this year, I had the privilege to lead the 3 PPCLI Battle Group on Operation Apollo as Canada's ground contribution to the U.S.-led war against terrorism. Although the battle group was based on the Third Battalion Princess Patricia's Canadian Light Infantry, it also consisted of Charlie Company, from the Second Battalion PPCLI, the reconnaissance squadron of Lord Strathcona's Horse (Royal Canadians), one of the Canadian army's armoured regiments, a squadron of Sappers from 1 Combat Engineer Regiment, a mortar platoon from the First Regiment Royal Canadian Horse Artillery and a large cadre of combat and combat service support personnel from across Canada.

When we left, we understood our mission was open-ended — we did not know when we would be coming back or what we would encounter in Afghanistan. This certainly did not sway our troops. On the contrary, we embarked on our task with the resolve to do whatever was necessary to serve our country with honour. In the end, our contribution to Operation Apollo turned out to be six months in duration, and we left Afghanistan with a sense of pride and accomplishment.

The 3 PPCLI Battle Group worked extremely well together, and upon assuming responsibility for the defence of the Kandahar airfield, we quickly demonstrated our prowess in combat operations. This fostered an excellent working relationship between us and our coalition partners, 187 Brigade Combat Team of the 101st Airborne Division, Task Force Rakkasan.

In addition to our defence of the Kandahar airfield, we embarked on three large-scale, battalion-sized offensive operations in pursuit of the al-Qaeda, one such operation being the first combat air assault in the history of the Canadian army into the Sha I Kot Valley, in March 2002. Sub-elements of the battle group also conducted numerous operations of smaller scale, both defensive and offensive in nature.

Although we were never blooded by the al-Qaeda, the soldiers of the 3 PPCLI Battle Group had to deal with all of the fears, anxieties and apprehensions associated with launching combat operations against a declared enemy and the trauma of having comrades killed in action.

I know all of Canada is proud of the performance of our troops in Afghanistan, but nobody can claim to be prouder of them than me, their commanding officer. They all demonstrated the skills and courage, both moral and physical, that perpetuate the legacy established by our veterans of conflicts more than half a century ago. There is no doubt that the performance of the 3 PPCLI Battle Group in offensive and defensive combat operations earned the respect of our allies and coalition partners, and this is a tribute to the standard of professionalism that exists amongst the soldiers of the Canadian army today.

Finally, I am proud as a Canadian to have been a part of the team that demonstrated, once again, Canada's ongoing commitment to international stability and collective security.

[ MGen. Gauthier ]



**The Chairman:** Thank you for your statements, gentlemen. I have quite a few senators on the list to question you. I would remind honourable senators that we have agreed to try to limit the questions to five minutes each.

We will begin with Senators Kenny, Forrestall, Banks and Kinsella.

I would remind those honourable senators sitting at the end of the room that, rule 83 having been waived, you can move down here to see our witnesses' faces.

**Senator Kenny:** MGen. Gauthier and LCol. Stogran, welcome to the Senate of Canada. We are pleased to see you here. I want to tell you that we are terribly proud of the work you have done, how you have served Canada, and we are glad to see you back safely.

MGen. Gauthier, could you describe to the committee the command and control relationships, how they worked vis-à-vis National Defence Headquarters here in Ottawa, Central Command in Tampa, your headquarters and the Canadian personnel deployed under Operation Apollo? It seems like a pretty complicated, relationship. Could you explain to us how it functioned?

**MGen. Gauthier:** I will try to demystify it and simplify it to the extent I can, although it is a complex subject. The force itself was complex, with over 43 nations involved in the coalition. It was also complicated, given the nature and scope of operations.

The Canadian chain of command was, from my perspective, crystal clear. I had a direct line to National Defence Headquarters, to the Chief of the Defence Staff, through the Deputy Chief of the Defence Staff for day-to-day business. They assigned operational command to me, and there is a definition for that, of all Canadian Forces, less special forces operating in Afghanistan.

At the same time as I was assigned operational command of those forces, they were assigned to the operational control of General Franks in Central Command, as the commander-in-chief of Central Command. He, in turn, delegated operational control of those forces down his chain of command. There were essentially parallel national and CENTCOM chains of commands.

I retained national command of deployed forces. I spoke regularly by phone and other means to LCol. Stogran and all the other deployed commanders. At the same time, for operational purposes, LCol. Stogran, for instance, was assigned ultimately with the delegation of operational control. He was assigned under the operational control of Task Force Rakkasan, which is essentially a brigade-level organization. Between Task Force Rakkasan, which is a land component organization, and CENTCOM headquarters in Tampa, there were two other layers in the chain of command — a land component headquarters and a combined joint task force headquarters, both located in Bagrum, Afghanistan. There were several steps in the chain of command from a U.S. perspective; the links were much more direct from a Canadian perspective.

It is essentially the same relationship with our naval forces. The commodore at sea and the ships that he exercised command over were assigned to the operational control of the commander NAVCENT whom I referred to in my opening remarks, the commander of Naval Forces Central Command, Vice Admiral Keating. The same also held true for air assets.

Do you want me to get into detail on that subject as well? Does that answer your question, senator?

**Senator Kenny:** Yes, thank you.

LCol. Stogran, could you answer roughly the same question from your perspective? How did it work on a day-to-day basis?

• (1430)

**LCol. Stogran:** For all intents and purposes, I received my orders directly from Col. Wiercinski and, later, Col. Linnington, the commanders of Task Force Rakkasan. When I was originally deployed on Operation Apollo, I was given four tasks as part of my overarching mandate. I was tasked with providing perimeter security to the airfield; facilitating humanitarian aid, if and when it would arrive in theatre; conducting what we referred to as sensitive site exploitations, which is an offensive operation of going into an area where the al-Qaeda were operating, or suspected to have been operating, in order to gather evidence; and conducting offensive operations on order.

I was handed what I would call very robust rules of engagement for any tasks of a defensive nature. Through robust rules of engagement, my soldiers were entitled to use lethal force against a person if they suspected that hostile intent was involved. That is, if a soldier felt that he had a reasonable apprehension of serious harm or injury, he could resort to lethal force in his defence.

When dealing with the Taliban and al-Qaeda as declared enemies, we were authorized to conduct offensive operations under laws of armed conflict. In doing so in any pre-planned engagements, any offensive operations of a deliberate nature, I was to refer to my chain of command to receive ultimate approval from General Gauthier.

**Senator Forrestall:** I join with Senator Kenny in welcoming the two of you, assuring you at the same time of our deepest respect for your professionalism and the function and role that you carried out on our behalf.

You will note, in some of the questions being asked this afternoon, a reflection of many of the inquiries and concerns after the Somalia inquiry.

LCol. Stogran, how and when did you receive your first order to prepare forces to deploy to Afghanistan?

**LCol. Stogran:** I received the initial warning that we were earmarked for deployment to Afghanistan on November 14, 2001, I believe. The original intent, as I understood it at the time, was for us to deploy with ISAF, the International Security Assistance Force.

From November 14, 2001, I was involved in reconnaissance and liaison here with National Defence Headquarters. The battalion was preparing all of our equipment to allow us to deploy. At the time, we thought we would deploy into the Baghran area.

As things developed near Christmas time, we understood that we would no longer be invited as a member to the International Security Assistance Force, and our focus was changed to the coalition operation, Operation Enduring Freedom. I believe that it was on or about January 8, 2002, that I received a subsequent order for us to become part of Task Force Rakkasan.

**Senator Forrestall:** Was your unit at full strength on January 8, 2002?

**LCol. Stogran:** Yes, sir. We had been reinforced by Charlie Company from the second battalion of the PPCLI to bring us to full strength in terms of infantry. Of course, the other attachments were at full strength, also.

**Senator Forrestall:** When were you told to prepare for a rather robust role alongside our allies and friends from the south? On what date did you have first knowledge of that?

**LCol. Stogran:** The actual warning for us as part of the coalition would have been January 8. However, I had been warned in April of last year to head the Immediate Reaction Force (Land). That force is at a high state of readiness for contingencies such as non-combatant evacuation operations. From that time, the battalion embarked on an aggressive combat-oriented training program that facilitated our deployment in January 2002 with the coalition force.

**Senator Forrestall:** Did the composition of your Battle Group give you concern prior to deployment? If so, did you communicate this concern to the chain of command and what was the response?

**LCol. Stogran:** Sir, my one concern with the battle group was that at no time had we ever actually trained as a complete battalion. I was familiar with Charlie Company of 2 PPCLI. We had embarked on a training exercise in October, which Charlie Company and Major Ford had attended as part of the battalion. I was also familiar with the mortar platoon attached to us because of a regular affiliation that my battalion had with that particular battery. We had worked with the reconnaissance squadron from the armoured regiment in an exercise in April of the previous year.

I was familiar with all of the component parts. However, I did express my concern, although it was not a show-stopper, that we had never had the full footprint of the IRFL on the ground.

**Senator Forrestall:** Have you a date in mind when you formally committed for deployment training for Afghanistan?

**LCol. Stogran:** Sir, we never conducted specific pre-deployment training for the Afghanistan theatre. As I said, we had embarked on a very aggressive year of training that culminated in October

of last year with an exercise that I referred to as "Venturesome Brave," during which the commander of first brigade allowed us to rent state-of-the-art laser engagement simulators to allow us to train in as realistic a combat environment as possible.

**The Chairman:** Senator Forrestall, I remind you that we have agreed on a five-minute question period. Perhaps you would agree to speak again at the end.

**Senator Forrestall:** I did not agree to a five-minute limit. I thought that the limit was seven minutes or eight minutes. We had hoped for a limit of 10 minutes. Having said that, I suggest that we proceed.

**Senator Banks:** I should like to thank MGen. Gauthier and LCol. Stogran for accepting our invitation. I am an Alberta senator. The colonel already knows how proud Albertans are of your performance and that of the men and women serving with you. In particular, Edmontonians are proud of the participation of the Princess Patricia Canadian Light Infantry and Lord Strathcona's Horse, Royal Canadians.

You should also know that the committee of which I have the honour to be a member has had the opportunity of hearing from some of the people who served under you. The people who worked for you loudly reinforce the commendation that you have received from your superiors. They hold you in the highest regard.

You have read, I am sure, as we all have, reports and comments from various associations and commentators in the media — both electronic and print — about the difficulties that you faced, first, in getting to Afghanistan and, second, in being properly provided with the materiel that you needed once you got there, ranging from uniforms and boots to proper night vision equipment. Would you ruminate about that for a few minutes, please?

**LCol. Stogran:** Sir, it is difficult for me to comment in any detail on the difficulties that were experienced by the battle group in deploying because I was already in Afghanistan in January, working with the brigade headquarters to which I was attached. I was not a part of the actual deployment.

• (1440)

Anecdotally, there were some problems on the tarmac with respect to the loading of kit and equipment. Working with the assets that were provided to us by the United States Air Force, things went very smoothly at the receiving end on the other side.

With regard to the difficulties with our kit, I think our record in Afghanistan speaks for itself. We did not really encounter what I would call show-stoppers in terms of kit. We were capable of operating at night because of the provision of night vision goggles and laser designators for our weapons systems. However, the army pulled out all of the stops to ensure all our riflemen were outfitted and capable of night-fighting.

We had a list of other equipment items that we had asked for, which we refer to as urgent operational requirements, many of which were never satisfied. However, due to good luck or good management, this did not impede my ability to satisfy the demands that were placed on us by my coalition commander.



**Senator Banks:** That answer speaks to your inventiveness and that of the people who were serving under you.

In your opening address, you mentioned that you were responsible for the distribution of humanitarian aid if and when it arrived. Did it arrive?

**LCol. Stogran:** Humanitarian aid, per se, was slow in coming. We deployed on our operation with the understanding that a government agency would provide \$100,000 for humanitarian aid. That money was not forthcoming. We submitted plans and proposals and worked with MGen. Gauthier's headquarters to firm up a direction. We started our preparations right from day one. I viewed the humanitarian aid issue to be a very important aspect of our operation, not only from an operational security perspective. We wanted to demonstrate to the locals that we were not there as a force of occupation and that we were interested in rebuilding their nation.

The humanitarian aid component of the plan also provided us in-roads with respect to human intelligence. Once we won the confidence of the Afghan military forces, we started working closer with the local forces that surrounded the perimeter. That was an important aspect of my plan. Canadian soldiers, given their history and culture, do not like to go to a country that is hurting and not give assistance to the local populace. Humanitarian aid is a very important moral factor for our soldiers.

As time went on, it became apparent that the funding from the government agency would not be forthcoming. As I understand it, \$50,000 was provided to us from the operating funds of the Department of National Defence.

Over and above that, interested Canadian businessmen who happened to be in Dubai also gave us funds. We used all of that money to purchase water pumps for the local population and to build approximately a half dozen schools.

**Senator Kinsella:** Colonel, I would like to turn the focus to your rules of engagement. Could you share with honourable senators the date on which you received your first draft of the rules of engagement under which you were able to commence training? Did the rules of engagement cover how prisoners were to be treated? In addition, what guidance were you given with regard to the transfer of Taliban and al-Qaeda prisoners to the United States? Was this accomplished through orders from National Defence Headquarters, or was it given explicitly in the rules of engagement that you received?

**LCol. Stogran:** Senator, I could not comment on the precise date that official rules of engagement were handed down to the battalion because, again, I was overseas at that point in time. We had received in November or December a draft of the rules of engagement. We had actually started training our troops so they would be familiar with the intent, if not the specific details, of the rules of engagement that we might be working with.

Canadian Forces troops are very conversant with rules of engagement. We received the rules of engagement sometime in January. In my absence, I know that an intensive training program was undertaken in Canada by my deputy commanding officer.

I was satisfied upon their arrival that the troops were fully conversant with the rules of engagement. I consulted with my legal officer, and he assured me that the troops were conversant with the rules of engagement as they stood at that point in time.

To the best of my recollection, the rules of engagement did not deal with the treatment of prisoners, per se, but I stand to be corrected on that matter. We train our troops to deal with prisoners in accordance with existing laws of armed conflict and international conventions. There was never any specific reference early on in the deployment to the treatment of Taliban or al-Qaeda and how the transfer process would be effected with Task Force Rakkasan. Early in the deployment, I recognized that we were under their operational control. I actually had access to the short-term holding facility and recognized that the prisoners, upon my observation, were being treated in accordance with international conventions. I felt comfortable handing over anyone we may have detained. We did not have detainees in the process until the protocols were actually established within the chain of command.

**Senator Kinsella:** Given that the Somalia inquiry report underscored the importance that, in the future, rules of engagement must be respectful of Canadian domestic law, and given the fact that in Canada the death penalty is foreign to Canadian law, did the Department of National Defence give any instruction or guidance to our officers in the field with regard to the treatment and the transfer of prisoners who could very well face the death penalty if handed over to the United States?

**MGen. Gauthier:** To get back to the first part of your question, to add to what LCol. Stogran said, from my perspective, as the national task force commander, rules of engagement were one of the success stories of this mission. Institutionally, we have learned a tremendous amount in the nine years since the events in Somalia. I can tell you that rare were the instances where LCol. Stogran and I needed to discuss or debate issues surrounding the rules of engagement. The same applies to the rules of engagement for other elements of the force at sea and elsewhere. That is a positive comment about where we have come.

With respect to the handling of detainees, I have to respectfully say that LCol. Stogran's memory may be failing him a little bit in the sense that there was a published task force standing order on the handling of detainees based on the direction that we would have been given. LCol. Stogran was very busy in Afghanistan, and this may be why he does not remember explicitly the bureaucratic side of this matter.

There were instructions. We can get you a copy of the standing order, which specifies how the detainees are to be handled. The bottom line, certainly at the operational level, is that there cannot be a lot of discussion in this respect. LCol. Stogran did not have with him the full range of expertise needed to go through a proper interrogation process to determine whether a particular suspect should be released. By and large, Americans made those decisions.

• (1450)

The rule from a Canadian perspective was, first of all, that this had to be catalogued and documented very carefully. LCol. Stogran and his staff know that because we had reports of certain detainees. They were pushed up the chain of command through us to the national level, to the Government of Canada in fact, on a very timely basis.

The bottom line of the instruction was simply that the detainees were to be turned over to American forces as quickly as possible to render a judgment as to whether they should be detained or not. In all instances where 3 PPCLI actually apprehended individuals for any length of time, it was for a short period of time. They were subsequently released rather than going further along the detainee process.

Does that answer your question, sir?

**Senator Kinsella:** Thank you.

**Senator Wiebe:** MGen. Gauthier and LCol. Stogran, let me first say that I echo the congratulatory words of my colleagues today. I believe that I speak on behalf of all honourable senators in this chamber when I ask that you pass on our congratulations and thanks to the men and women in 3 PPCLI battle group who we believe, did an outstanding job of representing our country in Afghanistan.

In your comments, LCol. Stogran, you mentioned that the Canadian battle group was drawn from various units across Canada. Does that then mean that we do not have a battalion-size battle group in one place in Canada which trains constantly at one base?

**LCol. Stogran:** Senator, we have several battalion-size elements. I should clarify that the nature of the battle group I was commanding at that point in time had many specialist functions attached to it, such as a national rear link or a signals element that allowed us to communicate with Canada.

The dental element that was attached to us came from outside the normal configuration of an infantry battalion. Those are the sorts of functions I was referring to that were drawn from as far away as Petawawa and Kingston.

**Senator Wiebe:** Would this be the first time over the last eight years that a battle group of battalion size will have trained together this extensively?

**LCol. Stogran:** I will have to plead some degree of ignorance again, as I could not really comment on some of the early battle groups we would have sent off to other watershed peacekeeping missions and Kosovo.

The battle group that I commanded was extremely robust in terms of a diversity of capabilities, from signals intelligence through to the Coyote surveillance system on the armoured vehicles. In very recent history, it is probably one of the more robust battle groups to have trained together.

**Senator Wiebe:** Upon the unit's return to Canada, have Canadian Forces personnel been returned to their individual units instead of being kept together as a battalion?

**LCol. Stogran:** Yes, sir, for the most part. There was a period of time where we kept the major part of the battle group together in Edmonton.

**Senator Wiebe:** The individuals who served in Afghanistan have gained a tremendous amount of experience, knowledge and ability in their deployment there. How does the military plan to use those new experiences to train new recruits or existing personnel within Canada? Is that a fair question to ask of either of you?

**MGen. Gauthier:** Senator, I cannot give you an institutional answer to the question.

I remember sitting with LCol. Stogran in Kandahar, discussing the issue of how to reintegrate his soldiers into Canadian life in all of its facets, military and otherwise. The two of us agreed vociferously that we have to instill in these soldiers a sense that, when they get back to Canada, it is their responsibility to make the army better and wiser for the richness of their experiences in Afghanistan.

**LCol. Stogran:** As I expect the question may arise later, I want to add some information regarding our reintegration program in Guam. A key part of that program was workplace reintegration. In the time that we had with the soldiers, we impressed upon them that their experiences in Afghanistan were valuable to the army. They should conduct themselves as they go out into the expanse of the army in a way that would have the army welcome their experiences. I tried to impress upon the soldiers that they should not expect to change the army; they should shape it through their experiences.

Some of the soldiers from our battalion were posted to many of our training institutions. I am performing a job at National Defence Headquarters where I hope to be able to assist in the shaping of our army for the future.

**Senator Comeau:** My question to LCol. Stogran deals with intelligence, which I know is a sensitive issue. I would not ask LCol. Stogran to compromise state or military security in any way. I will be asking general questions. If he wishes, he should feel free to answer in a general way.

I am aware of testimony from the Somalia inquiry indicating that an intelligence officer had to go to the Internet and pull information off the BBC and CNN because of the lack of proper intelligence information at the time. Could you tell honourable senators what kind of intelligence on Afghanistan you were provided prior to deployment?

**LCol. Stogran:** Prior to the deployment, most of the intelligence we received was very much of a general nature, to the best of my recollection.

**Senator Comeau:** Were you satisfied with the general quality and level of intelligence that you were provided? When you did ask, were you provided with the type of information that you would have needed?

[ MGen. Gauthier ]



**LCol. Stogran:** Upon our deployment into the theatre of operation, I had a very robust intelligence capability. We had an extremely capable signals intelligence capability. I had two intelligence officers as well as non-commissioned officers in my intelligence cell, and they were highly competent. They were receiving imagery from sources in Canada, as well as working very closely with the Americans. I was extremely satisfied with the potential they brought to the battlefield.

The biggest concern I had was that there were certain no-foreigner issues that our American counterparts were exercising in guarding some of their intelligence. We had full and open access to anything that was collected, using some of the facilities that Task Force Rakkasan had. We were very robust in terms of intelligence capability.

**Senator Comeau:** This was in-theatre?

**LCol. Stogran:** Yes, sir.

**Senator Comeau:** Prior to going into the theatre, were you given access to information that would have been available to the British and the Americans?

**LCol. Stogran:** We were in contact with sources here at National Defence Headquarters. The information I would have seen was open to our NATO and ABC allies. I can infer from that that we were drawing from those sources as well. I was satisfied with the type of information we were receiving at that time.

**MGen. Gauthier:** I understand this a little bit better now with the benefit of two weeks of experience as the new Director General of Intelligence at National Defence Headquarters.

**Senator Comeau:** Congratulations.

**MGen. Gauthier:** I can say unequivocally that I am beginning to understand how much I do not know. We have agreements and arrangements with our allies that are central to the intelligence process. I can assure the senator that the intelligence was shared and continues to be shared on an ongoing basis. I have no doubt that this sort of information was pushed down to the unit level.

• (1500)

**Senator Comeau:** Prior to the deployment, were you aware or advised whether there was an Afghan desk at Foreign Affairs with which you could interact or contact, in case of questions that might come up?

**LCol. Stogran:** On our initial warning last year, Foreign Affairs took an active part in many of the briefings provided to us, as did other agencies within the government. Yes, I was fully aware that Foreign Affairs had such a desk.

**Senator Comeau:** When you did go to theatre, were you provided with proper reconnaissance of the country, such as maps and the information you needed as an operations group?

**LCol. Stogran:** I would have to say yes. With regard to maps, the maps of the region were what I would call primitive. We were working with Soviet maps in some cases and other local maps that had been enhanced by coalition forces. For the most part, I was satisfied with the types of deliverables that my intelligence assets provided.

**Senator Comeau:** There were many groups other than the U.S. and British, of course. Did you have access to any intelligence information from other countries that were part of the coalition?

**LCol. Stogran:** Again, I would have to refer to my earlier comments about my degree of satisfaction with our intelligence sources.

I can say that my intelligence cell actually had an excellent working relationship with the U.S. and coalition special forces in theatre. Even when we, as members of the coalition, detected a rift between the U.S. conventional and special forces community in terms of the transfer of information, we had good success with the obtaining of intelligence from the American special forces and other elements operating in theatre.

**The Chairman:** I want to remind honourable senators that I have eight names still on the first round, and four on the second round, with one half hour to go.

**Senator Smith:** Madam Chair, I would echo the congratulatory comments previous speakers have made. I will try to keep to one broad question, as I know you have a long list.

At the beginning of your comments, MGen. Gauthier, you said the Canadian Forces contributed out of all proportion to their numbers. I might say that your remarks sounded quite convincing.

I will not ask you for your views on the merits of whether or not the government should go into such missions, but it is fair to try to get some readback on the enthusiasm, the morale and the spirit of the troops and their commanders on such missions. We have a 50-year history of peacekeeping that has now been expanded to collective security that can include combat. Was morale sustained? Are you up for this assignment? How do they feel about this role that Canada has developed a niche for?

**MGen. Gauthier:** Do you refer specifically to the mission in Afghanistan?

**Senator Smith:** Yes, as a result.

**MGen. Gauthier:** I would be surprised if there was a soldier in the entire army who would not have volunteered for this. I am sure Col. Stogran would share that view in terms of the soldiers in his battalion or battle group. I do not mean to sound like I am overstating this. It is typical certainly of the soldiers of which I have become very proud over almost three decades of serving with the forces. They would not turn down an opportunity to serve during this operation. I ran into not just soldiers, by the way, but also airmen and sailors. I came across one who was on his ninth six-month deployment in a 15-year career. There were two others who were on their eighth six-month deployment. I ran into any number on their fourth or fifth six-month deployment. I could go on with this. I ran into a sergeant in 3 PPCLI Battle Group, a supply tech who had been a young private in 4 Combat Engineer Regiment when I commanded it in 1992, when we deployed to Croatia as the first unit into that particular conflict. That was his first mission. When I bumped into him in Afghanistan, he was on his sixth mission.

They step up to the plate every time, of course. However, the other side to this is its effect on family life. I asked him what his family situation was like and he said, "I have been married and divorced since then." Of course, that is a price that many are paying because of their enthusiasm and because of the operational tempo, the rate of pace of operations in the Canadian Forces with which you are already well familiar.

From a morale perspective, when it comes to a new mission, one would be hard pressed to find anyone who does not want to take part. However, there is a price to be paid for it. That price is growing.

**Senator Meighen:** Perhaps I could continue with your response to the last question from Senator Smith. There is indeed a considerable price to be paid for the dramatically increased tempo of operations in the army. General, I may be wrong in saying that you may have left the impression that that is a satisfactory price. I am not sure it is. I am not sure that family break-up on a widespread scale, which I understand is happening because of the dramatically increased tempo, is satisfactory to Canadians. Would you not agree that the situation must be addressed, and that possibly the best way of addressing it is to either reduce the tempo of operations or to increase the effective strength of the military, in particular the army?

**MGen. Gauthier:** I hope I did not leave the impression that I believe that this was a good thing in terms of marriage breakups and the wear and tear on families — not for a minute. I feel very strongly about it. That is why I gave you some of those facts and figures. I have many more. I spent two years commanding Land Force Central Area, the army in Ontario, with 12,000 regular reserve soldiers and civilians. This is the message, as many of you on the committee have heard, on your visits.

Of course, from a serving officer's perspective, it is not about demanding more money. I can only echo what the senior leadership and the minister himself have said: It is about sustainability; it is about balance between tasks and resources. One either reduces the tasks or increases the resources.

**Senator Meighen:** Hopefully, we will get on with one of those solutions before too much longer.

Speaking of reservists, and given the reservists' fairly significant role in Bosnia, Croatia and elsewhere, were there reservists with you, LCol. Stogran?

**LCol. Stogran:** For the most part, there were not. There may have been individuals transparent to me within our national rear link, but certainly amongst the combat and combat service support elements, there were no reservists.

**Senator Meighen:** Why was that?

**LCol. Stogran:** That is due to the nature of the rapid reaction and our inability to actually maintain a constant state of readiness with reservists. I worked within the third battalion with several regiments in Saskatchewan and they were keen to be part of the

immediate reaction force. When we thought we might be going to Afghanistan, they were keen to be a part of that, but it was just impossible, due to the prolonged wait, to actually embrace them as part of our team.

**Senator Meighen:** What would you have done if the mission had been prolonged? I understand it could not have been with the number of people we had available. However, if there had been dire circumstances, would you have been able to turn to reservists to fill your numbers?

**LCol. Stogran:** Do you mean while we were in theatre, if we had to wait longer?

**Senator Meighen:** If you had to be there longer, yes.

**LCol. Stogran:** That would be a question for the force generators back in Canada. I can say that, based on my experiences in my training with the third battalion and the reservists, they were keen soldiers. I would have welcomed them on to the team had they had the opportunity to train to a deployable level of capability.

**Senator Meighen:** How long does that take, given their present level?

**LCol. Stogran:** It really depends, I think, on how long it had been since they may have been deployed on a Bosnia tour or something of that nature. Normally, we like to have them for 90 days, sir.

• (1510)

**MGen. Gauthier:** Of course, that depends on the mission. For a mission like Bosnia, it would be 90 days. For something much less benign, if I can put it that way, such as Afghanistan, I would say we need much more than 90 days.

**Senator Meighen:** Were there any reported cases of PTSD since your return, Colonel, and, if there were, what are you doing about it?

**LCol. Stogran:** PTSD, per se, is a difficult thing to quantify and identify. I have been keeping in contact with some of my colleagues back in the third battalion to see what sorts of problems may have manifested themselves in the families and with the soldiers over the leave period, and — this is purely anecdotal — there has been some strain in some marriages. Whether that is related to stress from the operation or to problems that existed before is difficult to say.

I can only speculate at this point in time, based on my dealings with the experts that I had in theatre — I had social workers and my medical officers as well as my padres — that we had a very effective coping mechanism in 3 PPCLI in terms of talking it out and displaying our emotions.

Our padre, who is very experienced in deployments overseas, said she had never seen the level of openness that she had experienced with the 3 PPCLI battle group. Guys and girls wanted to talk about their problems. I expressed my feelings to the troops also.



I remain hopeful that this sort of openness and ability that we had in theatre, as well as during our debriefing period in Guam, will allow the soldiers to unload their baggage and not keep it inside.

**MGen. Gauthier:** Senator, Col. Stogran is being humble here. I do not think a battalion-sized unit has deployed out of this country in the last 10 years better prepared than 3 PPCLI to deal with the traumatic events that they had to deal with. That had everything to do with the team he built, and his own personal leadership prior to and during the deployment, to deal with precisely that kind of situation. The human infrastructure, if I can put it that way, was in place to cope, with all sorts of specialists, advisers and leaders throughout his unit. One can only hope that that will have its effects in terms of low PTSD incidence in the coming months and years.

[Translation]

**Senator Joyal:** Honourable senators, I would like to borrow one element of Senator Meighen's question. What impact did the incident where four Canadians soldiers were killed and others were wounded have on the morale of your troops?

It is one thing to go to war and face the enemy, but it is a different story to feel threatened by the allies with whom we have joined forces.

Every time we sit in this chamber, we can see on its walls depictions of the horrors of war: destruction, refugees, people losing their life, others facing an uncertain future. We also realize that our troops cannot be protected against friendly fire. In your assessment, could the incidents you experienced have been avoided had there been heightened cooperation with the American forces?

[English]

**LCol. Stogran:** Senator, you are right. For a soldier there is no more demoralizing way to lose troops than through a fratricide incident. I know we pushed the limits of safety in our own training in order to polish our tactics, techniques and procedures to face al-Qaeda, and I lived in fear every day that we would have a fratricide incident of our own to deal with.

Professional soldiers try to condition themselves every day they wear the green uniform for the possibility of losing friends, and I know I faced it and lived it with our soldiers. It is a difficult thing to get through.

In our case, I think the openness of the battalion was instrumental in allowing us to get on with the mission, and also the amazing outpouring of support from Canadians overwhelmed us. Soldiers really do have to have an ability to bury their dead and get on with their mission.

We were at one with Task Force Rakkasan. We fought with them and we also grieved together. Col. Wiercinski shared our grief just as if we were American. We were part of Task Force Rakkasan. Internally, within the task force, I am absolutely

confident that we had all of the mechanisms in place to ensure, to the best of our abilities, from the land side of things, that the chance of fratricide was minimized, despite the dangerous nature of everything we were doing there.

I could not, however, comment in an educated fashion about the mechanisms that existed between the ground force, my immediate commander and the Air Force, which was really, on that fateful night, beyond our comprehension on the ground, that element in the sky, because there are so many moving parts up there. I could not really give an informed position on those sorts of mechanisms.

[Translation]

**Senator Joyal:** Without getting into the details of the investigation conducted, what changes or initiatives would you recommend to prevent this kind of incident in the future?

[English]

**LCol. Stogran:** Again, as an infantry officer, I could not comment on how we would synchronize air and land forces to prevent an accident of that nature. All I can say is I am confident that among the ground forces operating in the area, Tarnak Farm was a recognized training venue for ground troops, Kandahar was a recognized base for ground troops, and we had mechanisms in place to work with the Air Force in terms of when Hercules and transport aircraft were coming into the theatre. I could not begin to comment on how the coordination of the fighter aircraft could be enhanced or improved.

[Translation]

**Senator Joyal:** I would like to come back to the issue of refugees and the condition of civilians. There have been more civilian casualties than Al-Qaeda combatants taken out of action. Could you describe to us the relief that was to be provided as part of the operation, both by Canada and by allied nations? Based on your hands-on experience, would you say sufficient relief was provided to alleviate the situation of the civilians affected by the conflict?

[English]

**LCol. Stogran:** At the risk of sounding like I am avoiding another issue, I could not really comment on the capacity of the humanitarian aid agencies in the area. I can also say that, during our time in theatre with Task Force Rakkasan, the number of civilian casualties, right up until the last month, were at an absolute minimum.

• (1520)

I can also say that when there were casualties amongst the civil population in the area of the Kandahar airfield, our coalition partners made their medical facilities readily available. I can think of no occasion on which there were injuries inflicted by armaments that our American hosts did not treat the local populace. That extends to the incident in Deh Rawud, where there was an alleged bombing of a wedding ceremony. Task Force Rakkasan took an active interest in treating all of the civilian casualties and diverting resources to the hospital facility in the city of Kandahar, to assist in the treatment of those who were injured in that particular encounter.

[Translation]

**MGen. Gauthier:** General Franks has also asked this question. Does security lead to humanitarian aid, or does it precede it? Or does humanitarian aid lead to a more secure situation? This question is one that is debated not only by the military, but also by aid organizations.

[English]

**Senator Atkins:** Madam Chair, we should congratulate MGen. Gauthier on his promotion.

**MGen. Gauthier:** Thank you.

**Senator Atkins:** We will be watching to see whether LCol. Stogran gets another stripe soon.

What equipment could you have used in Afghanistan that was not available to you that might have been part of the coalition forces other than ours?

**LCol. Stogran:** I would have to review the wish list that we submitted to MGen. Gauthier for his approval.

I understand that, back in Canada, the uniforms were a contentious issue. It would have been nice to have an arid-patterned uniform, but I can say, in all honesty, that we would not have worn them all the time. When we deployed in mountain operations, it was much like Kananaskis Country, and we were well served by the green uniforms.

We could have used some of what we refer to as "gaiters," which are small all-terrain vehicles, not much bigger than a garden tractor. We had requested those. They are flexible enough to load on helicopters and bring them around with us.

There are all sorts of things that we asked for that probably would have enhanced us to a degree, but no real showstoppers that come to mind at this time.

**MGen. Gauthier:** There was a long list of needs and wants from the battle group. On each of my four visits to the battle group, this was their number one frustration. Since they were in a unique environment, they had asked for any number of unique pieces of equipment that are not normally in an infantry battalion. Those needs and wants butted up against a couple of things. One is the process issue, where I will say, and I have said in my after-action report in our lessons learned, that our material management process, our procurement system, the system and the process whereby we get the right piece of equipment to the right place at the right time, is not sufficiently responsive to operational needs. I have said that, and it is an issue that is being looked at closely as a result of this operation.

The other issue, of course, is that there are different realities at different levels. The soldier's reality in the trench is different from

the strategic reality, and all along the way, in that gap between the two, are decision makers who get to make decisions about whether or not something is actually needed.

In my view, a combination of both of those caused us to be not nearly as successful as we should have been in getting 3 PPCLI the equipment they felt they needed to get the job done.

**Senator Atkins:** Are there things you believe were done well, and are there things that you would change or do over if given another opportunity?

**LCol. Stogran:** At the risk of sounding like I am bragging, senator, at the end of the tour, my field officers and I did our own after-action review and asked that very question. Although we were busy patting ourselves on the back for doing an excellent job, we had to ask ourselves what should we have done differently.

There were some minor problems along the way; however, I do not really think we would have done anything drastically different. Perhaps we are not being rigorous enough in our own analysis.

MGen. Gauthier may say there are some things he wishes I had done differently.

**Senator Atkins:** Is there anything you would change in the training manual as a result of Afghanistan?

**LCol. Stogran:** To the contrary, senator, that is the great asset that we have to contribute to any coalition — the highly trained, experienced soldiers we have in the Canadian military. We have many soldiers who have experienced training in Germany, in the airborne regiment, and have done world-class courses with different armies in the world. That is tempered with their experiences in peace support operations. We have a unique culture and, in terms of our training and background, something beneficial in a coalition environment.

**MGen. Gauthier:** The number one positive lesson from my perspective, the message I gave to NDHQ when I got back, was that effective leadership, together with effective training, produces world-class soldiers. We have been doing that right for some time in the Canadian military. There is a long list of things I feel we did well. There is an equally long list of things that we can improve upon, and those have been captured in the lessons-learned process.

**Senator Grafstein:** I would like to add my words of welcome to MGen. Gauthier. I understand our notes are incorrect in regard to your rank. Your status has been improved dramatically, perhaps in anticipation of this meeting. I also wish to extend a warm welcome to LCol. Stogran.

We in Ontario are also proud of the Princess Pat's. As a cadet officer back in London, Ontario, in the 1940s and 1950s, I was privileged to be associated with the Princess Pat's then under the leadership of General Rockingham, who served with great distinction during the Korean War. Your most recent mission is an added embellishment to the Princess Pat's long history of great success, for which we commend you.



My first question is a follow-up on the oversight and interface in the command structure with respect to attack aircraft while the battalion was on the ground. Again, listening carefully to LCol. Stogran, he indicated that while he was satisfied — and I do not want to take his words out of context — that he was covered off with respect to the logistical backup with respect to the Hercules and so on, there was an open question with respect to attack aircraft like the fighter aircraft.

Looking backwards now, in terms of that horrible incident, MGen. Gauthier, are you satisfied that there was sufficient interface between the Canadian command structure of the battalion and the American overall command structure so that a similar incident might be avoided in the future?

**MGen. Gauthier:** Unequivocally, sir, I am satisfied. I think you could just as easily, on that night have had an American battalion doing the same training in the same location and with the same pilots potentially in the same circumstances — the same bomb would have dropped on American soldiers rather than Canadian soldiers.

**Senator Kinsella:** On a point of order, I wonder whether honourable senators would agree to continue for another 15 minutes, if our witnesses are able to stay on another 15 minutes. We are getting close to 3:30.

**The Chairman:** I would point out to the Senate that, after Senator Grafstein, I still have Senators Stratton, Mahovlich and Tkachuk on a first round, and then four senators on a second round. It would be nice to complete a first round.

**Senator Carstairs:** I have no objection to that, but it cannot go beyond 3:45.

**Senator St. Germain:** I would like to be on the list as well, Madam Chair.

**The Chairman:** I apologize; I did not see you, senator.

Is it agreed, honourable senators, that we will continue for a further 15 minutes, until 3:45?

**Hon. Senators:** Agreed.

**The Chairman:** I would ask honourable senators to confine their questions to very short ones.

• (1530)

**Senator Grafstein:** Colonel, did your mission change once you got to Afghanistan? We understand that you were originally responsible, in terms of your first engagement, with respect to guarding the airfield at Kandahar. Did the type and variety of mission change sufficiently to put you in a position where you felt fully prepared for these changes? Can you provide us with a description of what the changes were, if there were changes from your original mission, which was, as I understand it, guarding the airport at Kandahar?

**LCol. Stogran:** Honourable senators, the mandate I was given when I left the country included the four tasks, first of which was the defence of the airfield proper. When I arrived in theatre, I came under the operational control of the local commander, Col. Wiercinski. We fit in as another one of his battalions. He had a rotation scheme such that one of his battalions would be responsible for defending the perimeter of the airfield, another would be in what we call the force projection role or the combat role for operations outside the perimeter. We were rotated in that sort of sequence. He also had another battalion that was responsible for security duties in Pakistan, but we were precluded from that.

Prior to the rotation Col. Wiercinski, and Col. Linnington subsequently, would ensure that we were fully briefed on the possibility of upcoming offensive operations when we were about to go into that combat role. Although our first offensive mission was Operation Harpoon up into the Shaw-I-Cot Valley, which was very much just in time due to the nature of the battle that had been going on in the Shaw-I-Cot Valley with the 101 Airborne against al-Qaeda, we always had a great deal of time to prepare for our operations in detail to ensure we had the proper intelligence picture. Force protection was also a primary concern for me. We did not, except in the first case, feel rushed in an operation. Even in the example of the assault in the Shaw-I-Cot Valley, it is again a tribute to the professionalism of the Canadian soldiers and commanders in that we were doing what we call parallel planning at all levels from section platoon company as well as battalion. I feel confident in saying that all of the soldiers were well informed and ready to launch into Operation Harpoon.

**Senator Stratton:** Welcome, gentlemen. I should like to refer to the friendly fire incident once again. There are reports today that soldiers from the Princess Patricia's battle group were ordered to check fire only minutes before the friendly fire incident. Is this true and, if so, why were Canadian troops ordered to check fire?

**LCol. Stogran:** Honourable senators, in our training around the Kandahar Airfield, check fires were a regular occurrence. I could not comment on the claim that the check fire had been issued only minutes prior to the actual attack. There was a check fire shortly before, but the time frame escapes me right now whether or not that was five minutes.

I knew that our procedures were very much in tune with the ground force commander, Col. Wiercinski, and Task Force Rakkasan. I have always been confident that if negligence were involved in the decision of the pilots, justice would take its course. I also knew that, unfortunately, all sorts of arguments would be brought out by the defence in trying to cast reasonable doubt on the incidents of that night. All of the members of the battle group, including myself, are confident that we were doing everything that could be done, and that the area was recognized as a training area. The unfortunate thing is that the families witness arguments of this nature. These types of arguments have been leveraged in the press since the military tribunal began.

**Senator Stratton:** I appreciate that answer. What are the normal circumstances, or can you describe to us what the circumstances would be for a check fire? Is there a list of criteria that are followed, or is it just reaction to whatever is taking place?

**LCol. Stogran:** Very often, we were issuing check fires because of the approach of cargo aircraft into the Kandahar airfield. We had a procedure where, initially, the tower would phone down to our battalion headquarters and issue the check fire in that manner. If I am not mistaken, as a result of the accident, we tried to impose stricter control. I may be a little off on the actual details, but the expectation was that we would actually provide someone in the tower. I cannot remember if that was actually fallout from the accident, or if that was the practice prior to the incident.

**Senator Mahovlich:** I also wish to express my congratulations to the Major-General and to the Lieutenant Colonel for a job well done.

Many people characterize war as hours and hours of boredom, punctuated by moments of sheer terror, much like professional sports; is that a correct way to describe your mission?

**LCol. Stogran:** Honourable senators, I will start off by saying what an honour it is to see an old hockey idol of mine.

In response to your question, it is interesting that you cite that quote. From the very time we deployed and I met the soldiers in Afghanistan, I used virtually the same words: that they can expect long periods of boredom punctuated by short periods of sheer terror. We did experience that. I felt that, next to the al-Qaeda, our biggest threat would be complacency, especially in view of the extreme climatic conditions that I knew we would be experiencing there.

The leadership rose to the challenge and kept the troops on a fighting edge. We maintained an aggressive training program at Tarnak Farm to try to avoid that feeling of complacency that could have overcome us.

**Senator Mahovlich:** I spent most of my life waiting for buses, trains, flights and everything else.

Did the troops have any time off from their operational mission? If so, what did they do with their free time? Was there any Canadian entertainment that visited Afghanistan while you were deployed?

**LCol. Stogran:** Honourable senators, because of the unique nature of this particular deployment, we did not have the opportunity to do the normal leave rotation period. We implemented a plan in consultation and coordination with Tampa that we referred to as the "forced rest program" whereby we rotated every soldier out of the theatre into Dubai for a period of 96 hours. That was a tremendously successful program. We rotated 850 soldiers through this forced rest program. We did not have a single incident; by that I mean a criminal offence, an injury or anything of that nature.

It was also therapeutic for the troops that National Defence Headquarters and the decision makers allowed the soldiers to purchase, at the expense of the Crown, a limited degree of civilian clothing. Normally, we would send soldiers off and expect them to wear their physical training gear or something of that nature. This was an extremely successful program. The troops came back charged and ready to carry on with their mission.

We also had a Canadian contingent entertainment troop, a first class professional group that came and performed. They had dancers, singers and comedians at Kandahar. I was especially proud on that occasion because of the standard of the entertainment. It was a performance that even our American colleagues were impressed with. We were provided those types of rest and relaxation.

**Senator Mahovlich:** Major General, Canadian troops were not as prepared for war as they were 11 years ago for Desert Storm; is that a fair statement?

• (1540)

**MGen. Gauthier:** I could not begin to comment on that, other than to say that, in my personal experience of the last six months, the actions of 3 PPCLI demonstrate that, in this particular instance, we were prepared.

**Senator Tkachuk:** Welcome, gentlemen. I would like to thank you on behalf of the people of Saskatchewan for your superb effort in Afghanistan. Just lately, we have had a young man killed in Bali during a terrorist act, so that is hitting close to home.

**LCol. Stogran:** I believe you are on record as stating that the future of ground operations rests on air transport ability. Apart from having fun reporting on the uniform issue, the media were also talking about the question of our being able to move our troops from Canada to Afghanistan and the situation that we were in. I also understand that the army commander is considering eliminating the parachute battalions.

Based on what happened and what you learned in Afghanistan, could you comment on what happened in relation to the movement of the troops and our ability to rely on the American planes to do that? How would the loss of the paratroops affect operations?

**LCol. Stogran:** I can only echo my earlier comments about our deployment out there, from my perspective as a commander on the ground. The air movement was as flawless as we could expect, including our movements between Kandahar airfield and up to the Baghran airfield, as well as with respect to the use of helicopters. We were very well served by the air transport ability.

My personal opinion would be that the loss of the parachute capability would be a travesty. I have been on the record in suggesting that the asymmetric threat is the threat of the 21st century, and we have to have the capability to react quickly. The parachute capability remains a valid one. However, in this day and age, in our army, nothing is really sacrosanct from the cuts.

Also, despite the fact that I am a light warrior and a paratrooper, I am a proponent of the tank, which we have also considered doing away with. We have been asked to do a great deal more with a great deal less and unfortunately, at some point in time, those kinds of capabilities will be considered for cuts.

**Senator Tkachuk:** Do you feel that the proposed reorganizations in the battalions are driven by operational concerns or is the issue, as you seem to imply, a matter of money?



**LCol. Stogran:** Sir, I will be able to comment on that a little better after I have assumed my next job and am actually part of that process. As MGen. Gauthier and the Chief of Land Staff have mentioned, there is a balance of capability and sustainability, and you cannot really have one without the other. We have to maintain a balance. At some time it is necessary to assess the risk and what capability you can do without, in order to achieve sustainability. It is almost a matter of what comes first: the chicken or the egg.

**The Chairman:** Major-General, would you care to comment on that?

**MGen. Gauthier:** You would be hard pressed to find anyone in the building in which I work who would suggest that cash is not an issue. Of course it is absolutely an issue.

**Senator Tkachuk:** Since you answered in that way, I understand that money is driving these decisions; in other words, there is not a question of choices in operations. These are being driven by budget cuts.

**MGen. Gauthier:** There is a whole host of factors but, at the end of the day, you will have capability to the extent that you can afford to have capability. Every military around the world faces the same challenge. Their decisions will be guided by funding envelopes as well as other elements of policy decisions on tasks and the nature of the forces that we desire.

**The Chairman:** Thank you. The time for Committee of the Whole will expire at 3:45.

**Senator Carstairs:** Honourable senators, I move that the committee rise at 3:45 and that the Chair report that the committee has concluded deliberations.

**Senator St. Germain:** On a point of order, I raised my hand to be put on the list of questioners for this committee. I would have liked to ask a question but, in any event, congratulations, gentlemen; you are doing a great job.

**The Chairman:** Thank you, Senator St. Germain.

**Senator Kinsella:** Question.

**The Chairman:** Before I put the question, I would like to add my thanks to the witnesses. You have done a fine job for Canada.

**Hon. Senators:** Hear, hear!

**The Chairman:** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Honourable senators, the sitting is resumed.

**Hon. Lorna Milne:** The Committee of the Whole, which received MGen. Michel Gauthier and LCol. Pat Stogran, has asked me to report that the committee has concluded its deliberations.

## ROUTINE PROCEEDINGS

### EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

#### FIRST READING

**The Hon. the Acting Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-14, to provide for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the export of rough diamonds in order to meet Canada's obligations under the Kimberley Process.

Bill read first time.

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

### BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

#### FIRST READING

**The Hon. the Acting Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-300, to change the names of certain electoral districts.

Bill read first time.

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

## BUSINESS OF THE SENATE

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I move that the Senate now rise, and that all orders, inquiries and motions be postponed until the next sitting of the Senate.

**The Hon. the Acting Speaker:** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

The Senate adjourned until Wednesday, November 20, 2002, at 1:30 p.m.

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# Debates of the Senate

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(HANSARD)

Wednesday, November 20, 2002

THE HONOURABLE ROSE-MARIE LOSIER-COOL  
ACTING SPEAKER



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## THE SENATE

Wednesday, November 20, 2002

The Senate met at 1:30 p.m., the Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker) in the Chair.

[Translation]

Prayers.

### SENATORS' STATEMENTS

#### THE RIGHT HONOURABLE SIR WILFRID LAURIER

**Hon. Lowell Murray:** Honourable senators, Senator Lynch-Staunton, who sponsored the Macdonald-Laurier bill, enacted in the first session, has asked me to speak in his absence on Laurier's birthday, which is today. I am honoured to do so.

[Translation]

Parliament did the right thing in honouring both of these titans in a single piece of legislation. Macdonald and Laurier dominated the public life of early Canada during a total of almost 50 years.

Both extended and consolidated Confederation. They instilled into their fellow citizens a sense of Canada's destiny. Abroad, where they defended our interests, they personified Canada.

[English]

It was said of Laurier that he loved literature more than law or politics and that, during his years here, anyone in search of the best new books from the Parliamentary Library would find that Laurier got there first.

[Translation]

At any rate, Laurier, as a political figure, was more successful than anyone else. He sat as a member of Parliament for 45 years, of which 32 years were as the Liberal leader and 15 years as the Prime Minister.

[English]

Mr. Laurier lost his first general election as Liberal leader in 1891. It was Macdonald's last victory, and his last election as Tory leader. Laurier and his Liberals won the next four — an electoral feat not equalled by any prime minister since.

The magnificent eulogy that Laurier delivered in the Commons on the death of Macdonald has often been quoted. Thirty-eight years later, when Laurier himself passed away, that day's political leaders expressed their admiration in words that echoed his own for Macdonald.

Laurier had spoken of Macdonald's "far reaching vision beyond the event of the day," and his "broad patriotism." Sir Robert Borden said of Laurier that "his vision ... was wide and comprehensive; and his sympathies as well." Arthur Meighen took his nine-year-old daughter to Laurier's house to pay his respects, telling her: "You're too young to understand but I want you to be able to say that you saw one of the finest men I have ever known."

We know that Laurier had the distinction of having been the first French-Canadian Prime Minister of Canada. Let us recall, however, that we owe him the creation of the Provinces of Saskatchewan and Alberta, whose 100th birthday will be celebrated in 2005, as well as the policy on immigration and the building of new railways that supported it. He was a man for all of Canada and forever, he who initially was staunchly opposed to Confederation.

[English]

He gave a moral tone and moral leadership to our politics, and had a moral standing as prime minister that has never been surpassed.

On this, his birthday, we acknowledge with gratitude his incomparable place in our history and his enduring place in the affections of Canadians.

[Later]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I wish to join with my colleague the Honourable Senator Murray in his congratulatory remarks on Sir Wilfrid Laurier's birthday.

Sir Wilfrid Laurier was a special prime minister in our country. He had particular significance to our party. While there were Liberal leaders before Sir Wilfrid Laurier, it is fair to say that he put an imprint on the Liberal Party. When he said that the 20th century belonged to Canada, perhaps he also meant that the 20th century belonged primarily to a Liberal Canada.

Anyone who wishes to cross the hall to my office will see a portrait of Sir Wilfrid Laurier. That portrait hung previously in my father's office, when he was on Parliament Hill for 25 years. It has had an interesting history.

However, those of us in the province of Manitoba who have long revered the memory of Sir Wilfrid Laurier look with some concern on the Laurier-Greenway compromise. Although I do not think it was ever intended, the Laurier-Greenway compromise literally prevented the education of young people in the French language in my province. Many of us readily recall our previous speaker, the Honourable Senator Gildas Molgat, who spoke openly about his experiences in the province of Manitoba. He related that, when the school inspector would arrive at the train station, someone would call the school or run ahead of the inspector to assure that all of the French books were hidden. Hence, when the inspector came into a class, only English texts were in use.



That blight has been changed in Manitoba. There are a great number of children who are educated not only in French schools but in schools that teach French immersion both at early-entry level and later-entry level. We have finally recognized the dream of Sir Wilfrid Laurier in extending French-language services to Canadians outside the provinces of Quebec, New Brunswick and Nova Scotia, the provinces in which French-language services were primarily in existence at that particular time.

Honourable senators, Sir Wilfrid Laurier is held in great respect by our present Prime Minister. Indeed, he collects Sir Wilfrid Laurier memorabilia. The small stick pin that the Prime Minister wears at ceremonies, such as the opening of Parliament, was once owned by Sir Wilfrid Laurier. He also has a walking stick that was owned by Sir Wilfrid Laurier.

However, honourable senators, I have one-upped the Prime Minister in one respect. In my search for a wedding present for my daughter, I discovered and purchased, in an antique store in North Gower, Ontario, six pressback oak chairs. In the centre of each is a medallion that says, "Sir Wilfrid Laurier, Premier of Canada."

### PARLIAMENTARY POET LAUREATE

#### CONGRATULATIONS TO GEORGE BOWERING ON APPOINTMENT

**Hon. Ross Fitzpatrick:** Honourable senators, it is my pleasure to rise today to congratulate Canada's first poet laureate, Mr. George Bowering. I commend my seatmate, Senator Grafstein, for introducing Bill S-10, creating the Parliamentary Poet Laureate.

Honourable senators, I grew up with Mr. Bowering in Oliver, British Columbia, a small orchard town that has provided me with what could be described by some as "poetic" inspiration throughout my life.

George and I went to school together. I cannot think of a better person to fill this historical position and act as the Canadian literary representative of our history from its sorrows, triumphs and joys to its growth as a nation in the 21st century, and I might add, perhaps delivering to us the irreverence that we may deserve from time to time.

Honourable senators, I am confident that George Bowering will serve Canada well, with his love for the written word. He has stated that after 1964, his literary imagination was more and more taken up with Canadian history and geography. I believe Mr. Bowering's work as the first Parliamentary Poet Laureate will most certainly promote a better understanding of our nation.

In his book, *Bowering's B.C.: A Swashbuckling History*, my friend George describes the desert in the Okanagan-Similkameen as follows:

The soil is beaten by the sun until it falls in dry slides whenever a passing animal disturbs it. Rattlesnakes doze in that sun or slither past some low-lying cactus and spear grass looking for the shade of some crumbling shale. Small owls burrow in the dust and once in a while a scorpion can be seen walking on his shadow across a lump of basalt. If a breeze comes up it blows through crisp sagebrush and

greasewood, scenting the air with a kind of spice. Turtles look in vain for mud. Coyotes scamper.

George Bowering asks, "Is that the type of image people in Eastern Canada have of British Columbia?"

To answer my friend's question, honourable senators, I should like to say that I am confident George Bowering's poetry will create a greater understanding of the Okanagan-Similkameen and my home province of British Columbia. I also know that our poet laureate will capture the splendour and spirit that this great country offers from coast to coast to coast.

• (1340)

### NATIONAL CHILD DAY

**Hon. Ethel Cochrane:** Honourable senators, I rise today in recognition of National Child Day. On this day, we celebrate children and the entrenchment of their rights. This year's theme is "A World Fit For Children." Honourable senators, I am sure you will agree that we have fallen horribly short of creating a world fit for children.

We remember, of course, that it has been 13 years since the federal government unanimously agreed to eliminate child poverty in Canada by the year 2000. At that time, we felt compelled to act, in light of data showing that one child in seven experienced poverty. We believed then that 850,000 Canadian children living in poverty was simply unacceptable.

Today, the statistics are even more harrowing. About 1.2 million children, close to one child in five, are living in poverty. We have seen the income gap increase. We have seen no improvement in the depth of poverty. That indicator refers to the number of dollars by which families are living below the poverty line and rests at about \$8,500. According to the latest Statistics Canada data, this has increased in the last year.

One reality of living in poverty is that children do not have adequate food to eat. Tens of thousands of Canadian children report going hungry, and more and more families are turning to food banks for help. Sadly, the number of Canadians using food banks has increased in the last decade by an incredible 98 per cent. Not surprisingly, of the 750,000 using food banks every month, half of that number are children.

Honourable senators, we are not doing enough to help our children. We were reminded again in the Speech from the Throne that child poverty is a national tragedy and an issue that must be addressed.

On National Child Day, today, I encourage Canadians to celebrate the contribution children make to our society and to look at how we can contribute to their lives. We must pledge ourselves to do a better job at giving children the best start in life and guaranteeing the welfare of every single child.

### NATIONAL DIABETES AWARENESS MONTH

**Hon. Yves Morin:** Honourable senators, November is National Diabetes Awareness Month. Eighty years ago, the discovery of insulin in Toronto forever altered the lives of people with diabetes. However, insulin is a control; it is not a cure.

Today, Dr. Ray Rajotte and his team at the University of Alberta, with the support of the Canadian Institutes of Health Research, are taking us closer to a cure. The islet cell transfer procedure developed by this team, known worldwide as the Edmonton protocol, is letting people with diabetes live without insulin injection.

[Translation]

Stem cell research could also help make up for the lack of pancreas donations, without which this treatment cannot be extended to more people. The Canadian Institutes of Health Research are working together with the Canadian Diabetes Association and the Juvenile Diabetes Foundation of Canada to improve the quality of life of persons with diabetes and, one day, find a cure for this condition.

[English]

Last month, the Juvenile Diabetes Research Foundation announced the launch of a research centre in Montreal, one of 30 research centres it has established throughout the world. This centre, under the leadership of Dr. Lawrence Rosenberg from McGill University, is focusing on ways to increase the beta cells that secrete insulin in the pancreas.

Dr. Rosenberg and McGill collaborators have discovered and cloned a unique gene, called the INGAP gene. This gene produces a protein that is responsible for the formation of new insulin-producing beta cells. By injecting this protein, Dr. Rosenberg was able to reverse the disease in diabetic animals. This is extremely promising research.

Honourable senators, Diabetes Awareness Month is a time to applaud Canadians living with diabetes and the contribution Canadian researchers are making to preventing, managing and curing this debilitating disease.

#### EFFECT OF RISING COST OF AUTOMOBILE INSURANCE ON SENIORS ON FIXED INCOMES

**Hon. Donald H. Oliver:** Honourable senators, I wish to draw your attention to a new hardship facing Canadian seniors on fixed incomes — the rising cost of automobile insurance in Canada. Many people believe that the drive for profits by the insurance companies are to blame for the premium increases of recent years. Others claim that seniors have been targeted with higher rates due to the perceived higher risk of ensuring older drivers.

Many seniors are seasoned drivers, with as much as 40 years of driving experience without even a comprehensive claim on their insurance files. They are now being discriminated against because of their age. They are being asked to accept premium increases of between \$5 and \$1,500 a year. These increases are not fair.

The Insurance Bureau of Canada indicates that the frequency of collisions in all provinces has gone down. What has increased is the number of personal injury claims after collisions have occurred.

Investments with lower values due to the current market slump have also caused an increase in premiums. Insurance companies, previously, relied upon investments to offset the rising costs during recent years.

[ Senator Morin ]

• (1350)

Insurance fraud is also a growing problem. High-speed driver inattention and uninsured drivers are the real culprits behind the premium increases. In Ontario alone, costs have increased by approximately 50 per cent. Alberta has experienced a smaller increase of 15 per cent from the beginning of this year. These increases make the biggest impact on Canada's seniors, especially those on fixed incomes.

Seniors who cannot afford the premium increase are forced to give up driving altogether. Without proper coverage, they cannot drive, and this has a personal cost. Depression, isolation and dependency can result from this loss of freedom. Many seniors are volunteers in their communities, delivering services for the numerous social agencies that rely on their driving expertise. Excessive increases in the premiums seniors pay affect not only them on a personal level but also the community as a whole. To place seniors with excellent driving records in the same category as high-risk drivers because of their age is discriminatory.

Government regulation has been employed in four provinces to limit the amount of personal injury claims that can go to court. Despite some success, government regulation may not be the answer to the problem.

As senators, we have the responsibility to highlight this age discrimination against seniors who drive. Discrimination has social and economic costs, and we must encourage the insurance industry and the provincial governments to work with seniors' advocate groups to curb these increases. Understanding, dialogue and resistance to discrimination will help provide relief for seniors facing higher automobile insurance premiums.

[Translation]

#### MR. RAYMOND DEVOS

**Hon. Jean Lapointe:** Honourable senators, it is a great pleasure for me to point out that Raymond Devos, the greatest Francophone comic of all time — I repeat, the greatest Francophone comic of all time — celebrated his 80th birthday in Paris on November 9. He performs only his own material, and is particularly well known for having invented the imaginary world of the fourth dimension, among other things.

I have known Mr. Devos for a long time, and he has always loved Canada, and his many visits to our land prove it. I hardly need mention that his performances were always sold out.

He has, on a number of occasions, performed on behalf of local charities. Twice he performed in Quebec City's Salle Albert-Rousseau to raise funds for the Félix Leclerc interpretive centre, which is now in operation on the Île d'Orléans. On two occasions, he lent his prestige to Yvon Deschamps' and Judi Richards' centre, le Chaïnon, which serves battered and troubled women.

He has travelled from France to take part in the Jean Lapointe nine-hour telethon in aid of alcohol and drug rehabilitation. His long-time companion, Françoise Maucq, has always dreamed of having a little spot in Canada to call her own.



Let us hope that dream will come true in the not-too-distant future, so that we will be able to enjoy the presence of the world's greatest funnyman among us.

Our Prime Minister has signed a special certificate, which will be presented to Mr. Devos, in Paris, within the next few days.

#### VISITORS IN THE GALLERY

**The Hon. the Acting Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of the recipients of the Queen's Golden Jubilee Medal. They are the guests of the Honourable Senator Lapointe.

On behalf of all senators, I welcome you to the Senate of Canada.

### ROUTINE PROCEEDINGS

#### INDUSTRY

##### PARTNERSHIP TECHNOLOGY REPORT TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour of tabling, in both official languages, two copies of a report from Technology Partnerships Canada, an Industry Canada agency. This report is entitled "Investing in Innovation, 2001-02 Year In Review."

#### OFFICIAL LANGUAGES

##### REPORT OF JOINT COMMITTEE PURSUANT TO RULE 104 TABLED

**Hon. Shirley Maheux:** Honourable senators, pursuant to rule 104 of the Senate of Canada, I have the honour of tabling a report on the expenditures of the former Standing Joint Committee on Official Languages during the first session of the Thirty-seventh Parliament.

*(For text of report, see today's Journals of the Senate.)*

[English]

#### STUDY ON NEED FOR NATIONAL SECURITY POLICY

##### INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

**Hon. Colin Kenny:** Honourable senators, pursuant to order of the Senate adopted October 30, 2002, I have the pleasure to inform the Senate that on Tuesday, November 12, 2002, the second report of the Standing Senate Committee on National Security and Defence was deposited with the Clerk of the Senate. The report is an interim report on the study of the need for a national security policy for Canada entitled "For an Extra \$130 Bucks... Update on Canada's Military Financial Crisis, A View From the Bottom Up."

Honourable senators, pursuant to rule 97(3), I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### THIRD REPORT OF COMMITTEE PRESENTED

**Hon. Lorna Milne,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, November 20, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

#### THIRD REPORT

On Wednesday, November 6, 2002, Senator Joseph A. Day moved, seconded by the Honourable Senator Baker, the following motion:

That the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study.

Debate on this motion was adjourned. The following day, Thursday, November 17, an amendment was moved by Senator Sharon Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C., that the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. Subsequently, Senator Noël A. Kinsella moved, seconded by the Honourable Senator Stratton, that the motion in amendment be amended by adding the words: "That the Committee report back to the Senate on this matter no later than November 21, 2002." The motion in amendment, as amended, was adopted by the Senate:

That the question be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament; and

That the committee report to the Senate no later than November 21.

Your Committee has been advised that the specific proposed trip that gave rise to the original motion has been postponed. As this order of reference raises a number of important issues, partly covered by the Procedural Guidelines adopted by the Senate on March 26, 2002 (now contained in Appendix II to the Rules of the Senate), which must be considered by your Committee, and given its current workload, your Committee recommends that the deadline for reporting back to the Senate on this order of reference be deleted.

Respectfully submitted

LORNA MILNE  
Chair

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

### FOREIGN AFFAIRS

#### NOTICE OF MOTION TO REFER 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY TO COMMITTEE

**Hon. Jeremiah S. Grafstein:** Honourable senators, I give notice that tomorrow, Thursday, November 21, I will move:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003.

Honourable senators, the detailed resolution of four pages is contained in my written notice in English and in French and concerns anti-Semitic violence in the OSCE region, including Canada.

[Translation]

### NATIONAL SECURITY AND DEFENCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROPOSAL OF VALIANTS GROUP

**Hon. Michael Meighen:** Honourable senators, I give notice that on Thursday, November 21, 2002, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the proposal of the Valiants Group for the erection of statues in downtown Ottawa to salute the heroic wartime sacrifice of certain valiant men and women who fought victoriously for the independence of Canada during the 17th, 18th, 19th and 20th centuries, and helped mightily to establish Canada's nationhood;

That the Committee report no later than January 31, 2003.

• (1400)

### OFFICIAL LANGUAGES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ANNUAL REPORTS RELATING TO OFFICE OF COMMISSIONER

**Hon. Jean-Robert Gauthier:** Honourable senators, pursuant to rule 58(1), I hereby give notice, on behalf of Senator Losier-Cool, that tomorrow she will move:

That the Senate Standing Committee on Official Languages be authorized to study and report upon the budget estimates and annual report of the Office of the Commissioner of Official Languages, as well as on the annual reports of the Treasury Board and of Canadian

Heritage as to their obligations under the Official Languages Act;

That the Committee table its final report no later than March 31, 2003.

[English]

### NATIONAL FINANCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Lowell Murray:** Honourable senators, I give notice that on Thursday, November 21, 2002, I will move:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

### FOREIGN AFFAIRS

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO

**Hon. Peter A. Stollery:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the Canada — United States of America trade relationship and on the Canada — Mexico trade relationship with special attention to: a) the Free Trade Agreement of 1988; b) the North American Free Trade Agreement of 1992; c) secure access for Canadian goods and services to the United States and to Mexico; and d) the development of effective dispute-settlement mechanisms, all in the context of Canada's economic links with the countries of the Americas and the Doha round of World Trade Organization trade negotiations;

That the committee have power to engage such counsel and technical, clerical and other personnel as may be necessary for the performance of this order of reference;

That the committee have power to adjourn from place to place, inside and outside Canada, for the purpose of this reference; and

That the committee shall present its final report no later than December 19, 2003, and that the committee shall retain all powers necessary to publicize the findings of the committee as set forth in its final report until January 31, 2004.



[Translation]

## HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY POSSIBLE ADHERENCE  
TO AMERICAN CONVENTION ON HUMAN RIGHTS

**Hon. Shirley Maheu:** Honourable senators, I give notice that tomorrow, Thursday, November 21, 2002, I will move:

That the Senate Standing Committee on Human Rights be authorised to examine and report upon Canada's possible adherence to the American Convention on Human Rights;

That the documents and evidence received by the Committee during its consideration of these same matters in the first Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee table its final report no later than June 27, 2003.

[English]

## QUESTION PERIOD

## THE HONOURABLE MARCEL PRUD'HOMME

PROPOSAL TO NAME  
"DIRECTOR *EMERITUS*" OF SECURITY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Would the honourable leader agree, in light of the security lapse yesterday in the Hall of Honour during the historic unveiling of the portrait of the 18th Prime Minister of Canada, that our colleague, the Honourable Senator Prud'homme, be named "Director *Emeritus*" of security?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. I was unable to attend the ceremony yesterday but, on television last night, I saw the quick action of the Honourable Senator Prud'homme. I also heard the comments of the Right Honourable Brian Mulroney when he indicated that the individual who skipped onto the stage with an American flag was a supporter of his.

Once again, it was an example of the kind of quick repartee that the former Prime Minister exhibited for many years in the House and in other places as well.

I certainly concur that we could make the Honourable Senator Prud'homme an honorary security guard, in light of his contribution.

[Translation]

## TREASURY BOARD

## PROPOSAL TO RESTRUCTURE PUBLIC SERVICE

**Hon. Jean-Robert Gauthier:** Honourable senators, my question is for the Leader of the Government in the Senate.

On November 13, the President of the Treasury Board announced that as a result of fundamental changes to, and the modernization of, Canada's public service, there would be significant changes made to the Public Service Employment Act and the Public Service Staff Relations Act. Canadians have been waiting for these important changes for more than two years now.

Furthermore, I raised this question over a year ago in the Senate. There was never any review of the Public Service Employment Act.

The last review of the Public Service Staff Relations Act was done in 1976 or 1977. The President of the Treasury Board also tabled her 2001-02 report on the restructuring proposal.

If we were to believe the media, the bill has been put off because of opposition among deputy ministers, who would be given the responsibility to manage their department's human resources, and the need to amend the Public Service Employment Act and the Public Service Staff Relations Act.

Can the minister tell us, given the importance of these two acts, if the government is planning on introducing a draft bill for study and consideration?

Can she assure this chamber that parliamentarians will be consulted before the final versions of these two new bills are introduced?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is my understanding that the minister responsible, the Honourable Lucienne Robillard, will present the proposed legislation in the New Year. There has been no indication that it would come in draft form. However, I could certainly make a representation to the minister that the Honourable Senator Gauthier would like to see the draft version before it arrives in its final form.

## NATIONAL DEFENCE

NEGOTIATIONS TO BORROW EQUIPMENT FROM  
UNITED STATES AIR FORCE FOR CF-18 AIRCRAFT

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate but, first, I would like to mention the latest round of banter I heard about the Sea King helicopters: a ditty entitled, "Sea Kings in the Sun."

Could the honourable leader confirm that discussions have taken place between the Canadian Forces and the United States Department of Defence in an effort to borrow pods and precision-guided munitions for our CF-18s so that they could, having been asked, participate in Iraq?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator began his remarks with reference to a little ditty that seems to be working its way around certain headquarters. That little bit of doggerel is, of course, based on a favourite folk song of many. It is regrettable that it refers to our Sea Kings serving only in the sun because they serve under many other circumstances — not just on bright, sunny days.

As the honourable senator knows, the CF-18s are currently undergoing an upgrading to bring them up to a standard that represents Canada at its primary combat capability.

• (1410)

#### POSSIBLE WAR WITH IRAQ

**Hon. J. Michael Forrestall:** Honourable senators, could the honourable leader confirm that the government is considering the deployment of an infantry battalion, likely 2 RCR, which is nearing completion of a series of intensive training exercises, elements of Joint Task Force 2, and at least 12 Canadian Forces CF-18s, whose pilots have also, as she has suggested, been undergoing very intensive exercises for a war with Iraq?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, a request was made not only of Canada but of all American Allies, asking if they would be willing to participate or would be willing to make available certain weapons and troops should war be declared with Iraq. Obviously, we are dealing still with a hypothetical issue that I, for one, hope does not come into being. I still hope that Iraq will fully comply with the resolution passed by the United Nations. If there are armaments of mass destruction in Iraq, my hope is that they will be found and identified by the UN team of inspectors that has presently begun its work in Iraq, that they will be disarmed, and that we will not have to go to war with Iraq.

#### THE SENATE

##### POSSIBLE WAR WITH IRAQ—REVIEW IN ADVANCE OF TROOP DEPLOYMENT

**Hon. J. Michael Forrestall:** Honourable senators, like the Leader of the Government, I do not just hope, but I pray — that we will not have to send Canadian Forces into that theatre of operations under the present circumstances. Can the honourable leader give us an assurance that should this happen, there will be an opportunity for discussion in this chamber of the state and condition of the soldiers we are about to send to war so that we might examine their equipment, their clothing, their personal needs, such as food, and all of the things that were missing in the Afghanistan operation? Can we have the assurance that we will have an opportunity for discussion so that senators might express views on this very important matter?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, first of all, I do not agree with my honourable friend's final statement in which he indicated that the troops we sent to Afghanistan were poorly equipped. To the contrary. In Committee of the Whole just yesterday, we heard testimony

from Canadian Forces officers to the effect that, while they concurred that they might not have had every single thing they wanted, they certainly had adequate equipment and in many cases first class equipment.

In terms of the question, no, I do not believe we should micromanage our forces wherever they may go. If the honourable senator is talking about a general discussion of whether we should go to Iraq, there have been discussions in the past, in both chambers, when we have taken action to go to war. I would foresee that as a realistic possibility.

#### UNITED NATIONS

##### IRAQ—RALLIES IN SUPPORT OF WEAPONS INSPECTION PROCESSS

**Hon. Douglas Roche:** Honourable senators, has the government taken note of the rallies held in 27 locations across Canada last Sunday on a national day of protest opposing a U.S.-led war in Iraq? These rallies were a vigorous manifestation of public opinion across the country in favour of Canada giving full support to the UN inspection process, to ensure that inspections are carried out in a fair and objective manner.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, not only did the government note the rallies, but I think the vast majority of Canadians noted them. They were well covered on radio, television and less so in the print media.

I think Canadians are of one mind on this issue, with few exceptions. They like the United Nations' process. They want Canada to respect the United Nations' process. That has been Canada's position from the beginning, and I think it maintains that position of strong support for the actions of the United Nations.

##### IRAQ—WEAPONS INSPECTIONS—USAGE OF DATA

**Hon. Douglas Roche:** Honourable senators, has the government noted that UN Security Council Resolution 1441, which is the operative resolution mandating the inspection process, requests all UN states to support the inspection process and to ensure that data is collected in proper conditions. What is Canada doing to help ensure that the data collected by inspectors is not falsely interpreted by the proponents of war, who are looking for any excuse to wage war on Iraq?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have confidence, as does the Government of Canada, in the work that has been undertaken by those who are on the ground and who will search out and seek out, through proper methodology, the potential weapons of mass destruction that may exist in Iraq. Clearly, Canada supports the United Nations. It supports the process into which the United Nations has entered. It supports the resolution in its entirety.



## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL— ALBERTA LEGISLATION ON EMISSIONS

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate and involves the impending ratification of the Kyoto agreement.

Alberta passed legislation yesterday that would possibly counter ratification of the Kyoto Protocol or the position of the federal government. Could the Leader of the Government in the Senate advise us as to the position of the federal government vis-à-vis working toward a consensus with the provinces on the ratification or non-ratification of this agreement?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it was my understanding, and I stand to be corrected, that the Government of Alberta introduced the legislation; it is not my understanding that they passed the legislation. However, we welcome the legislation as a government because it clearly indicates that Alberta is addressing the issue of air emissions in that province, which is a positive goal.

As to the process with respect to the ratification of the Kyoto Protocol, as the honourable senator knows, there is no need for ratification either in the House of Commons or in the Senate. Cabinet can ratify the treaty. The government has decided to have a much more open process and to submit ratification in principle to both chambers. I think that was a wise decision on the government's part. I anticipate that we will see that motion shortly.

### RATIFICATION OF KYOTO PROTOCOL— ECONOMIC IMPACT

**Hon. Gerry St. Germain:** When the honourable senator says "shortly," will this happen before Christmas?

Is the leader aware that the federal government has consistently said the Kyoto accord would not have a negative economic impact on Canadians? My understanding is that, in the tar sands at Fort McMurray, there is a slowdown in economic development and a setback of a year to a year and one-half as we wait to see what evolves at the federal level in regard to ratification of the Kyoto Protocol. This debate is having a negative economic impact on Albertans and other Canadians already.

**Hon. Sharon Carstairs (Leader of the Government):** I do not think there is any indication there are any economic downturns at this point. The oil and gas industry and every other industry depends upon certainty. The more quickly we move to ratify the Kyoto accord, the more quickly that uncertainty will end.

### RATIFICATION OF KYOTO PROTOCOL— ALBERTA LEGISLATION ON EMISSIONS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, in answer to Senator St. Germain's question, the minister said that the Government of Canada welcomes the legislative initiative in Alberta. If that is the position, it does not seem to be the position embraced by Minister Anderson, who has said, and I am quoting from a news release, "That the attempt," namely, in the Alberta legislative assembly, to assert control over emissions is as "phony as a three dollar bill." Are there two views in cabinet again?

• (1420)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, no, I do not think there are two views at all. The Province of Alberta is free to introduce legislation when it chooses to do so and they have done so. They are indicating the ways in which they will control emissions within their own province. That is a legitimate process, but when they would purport to have that as the sole answer to the Kyoto accord, then I think they would overreach the impact of their legislation.

### RATIFICATION OF KYOTO PROTOCOL— AUTHORITY TO ENTER INTO TREATY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have a second supplementary that flows from the exchange with Senator St. Germain. The minister is correct when she points out that the federal executive has the authority to enter into treaties. However, while the exercise of that authority may be legal, does she agree with the view across most circles in Canada that while it may be legal, it would be unconstitutional given the existence of a constitutional convention?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not think so. In other words, I would not agree with the honourable senator. It is very clear that the federal government has the right to enter into treaties of an international nature. It has that right and that authority. The government has done it on other issues as well and will continue to do so. In terms of the ratification of a treaty in both the Senate and the House of Commons, it is a new process but one I welcome.

## HUMAN RESOURCES DEVELOPMENT

### RETROACTIVITY OF GUARANTEED INCOME SUPPLEMENT

**Hon. David Tkachuk:** Honourable senators, Human Resources Development Canada announced last week that it is increasing its efforts to contact seniors who qualify for the guaranteed income supplement. This is a follow-up to questions I asked on the same issue a number of weeks ago. While it is encouraging that more seniors are being made aware of the supplement, nothing in this new initiative indicates that the government will change the rules surrounding retroactivity. Currently, if a person does not apply for the GIS before they turn 65, the retroactive payments they can receive at a later date go back only 11 months.

A lawsuit has been filed in the Quebec Superior Court on behalf of the estimated 300,000 seniors who have missed years of payments due to this policy. By providing payments beyond the 11-month limit, the government could avoid this challenge, which I believe could be costly. Will the government consider changing the retroactivity policy surrounding the GIS?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the Honourable Senator Tkachuk knows, retroactivity is not a concept or principle that is easily accepted by governments, and I see no indication that the federal government will go beyond the present 11-month time period.

## VETERANS AFFAIRS

### LOSS OF PENSION OF VETERAN

**Hon. Edward M. Lawson:** Honourable senators, my question is for the Leader of the Government in the Senate. It deals with Canadian war hero Al Trotter and his lost \$40,000 pension. I understand that he lost it because he failed to respond to an ad in the *Legion Magazine*. Surely, a man's lifetime pension is not based on that. Someone on the staff at the Ministry of Defence could write him a registered letter saying that he is entitled to \$40,000 and advise him to apply within a certain time frame.

Honourable senators, I know this issue was raised in the House of Commons. What, if anything, has been done about it? Does the minister know or has she made any attempt to find out? If Mr. Trotter cannot get his pension because of Canada Pension Plan's new retroactive rules, surely he can go to Treasury Board and seek an *ex gratia* payment to right this wrong. May we have an update on this matter?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the only update I can give at this point is that the Minister of Veterans Affairs, the Honourable Rey Pagtakhan, is looking into this particular situation. As soon as I have further information, I will be pleased to share it with the honourable senator.

**Senator Lawson:** Honourable senators, I know it can be done but I keep hearing that it cannot be done. The minister can go to Treasury Board to seek an *ex gratia* payment. I have had it happen in my experience. It was done in 24 hours and a wrong was righted. Surely, this man, with a wartime record of honour, should not be a peacetime casualty by losing his pension at 80 years of age.

**Senator Carstairs:** Honourable senators, let us be careful as to what we are saying. It is not a matter of losing a pension; Mr. Trotter has the pension. It is an addition to the pension that he does not have, which is the matter at issue here.

The Honourable Senator Lawson is quite right, and I will take his representations to the Honourable Minister of Veterans Affairs.

## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL— AUTHORITY TO ENTER INTO TREATY

**Hon. Gérard-A. Beaudoin:** Honourable senators, I should like to revisit a question raised by Senator Kinsella. It is true that the executive may enter into a treaty and may also ratify the treaty in Parliament, but is it not mandatory to give effect to the 1937 decision of the Privy Council that we must follow the division of powers for the implementation of treaties? It may be that some parts of the Kyoto treaty involve the provinces and come under the jurisdiction of the provinces, in which case, of course, a province may say it will legislate. There is no doubt that the federal authority may legislate, and I hope they will. However, given the 1937 decision, there is also no doubt that a province may legislate in its own jurisdiction and the federal authority cannot occupy the provincial jurisdiction.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is quite true that the provinces can legislate, which is exactly what the Province of Alberta is attempting to do by introducing legislation. However, they do not have, as the honourable senator well knows, the power to enter into international treaties and obligations. I indicated earlier that implementation legislation will probably follow the ratification of the treaty itself. Implementation legislation will obviously impact on federal responsibilities. We will deal with that in the Senate and in the House of Commons at the appropriate time.

**Senator Beaudoin:** Honourable senators, my question does not deal with the matter of entering into a treaty. That is a federal power. There is no problem there. Ratification, of course, may take place in this Parliament, but when we legislate to implement the treaty, we must follow the division of powers. We cannot do it for the provinces, but we may do it in our field.

There is no doubt in the world that the greater part of the treaty falls under federal jurisdiction. However, since natural resources are, according to the Constitution, within the powers of the provinces, we must be very careful here. In other words, we may legislate, providing that we stay in our fields.

**Senator Carstairs:** The honourable senator is quite correct. I can assure him that I am fully aware of the number of justice lawyers who draft legislation and who were educated at his hand. They will, I am sure, take into consideration the distribution of powers.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table the responses to questions raised in the Senate by the Honourable Senator Forrestall on October 24, 2002, regarding the Joint Task Force 2, and on October 29, 2002, regarding Ilits vehicles.

## NATIONAL DEFENCE

### TROOPS ON EXCHANGE WITH UNITED KINGDOM OR UNITED STATES UNITS ON ASSIGNMENT IN PERSIAN GULF—JOINT TASK FORCE 2 TROOPS ASSIGNED TO PEACETIME EXERCISES IN JORDAN

(Response to question raised by Hon. J. Michael Forrestall on October 23, 2002)

At any given time, there are a number of Canadian Forces personnel on secondment or exchange with foreign military units.

The Government of Canada would make a decision as to whether or not Canadian Forces members serving with foreign military units would be authorized to participate in potential operations against Iraq, if and when necessary.

The Honourable Senator is well aware that I cannot comment on matters pertaining to Joint Task Force 2 (JTF2).

Revealing JTF2 operational and training details puts current and future missions of that unit in jeopardy.



PRINCE EDWARD ISLAND RESERVE  
REGIMENT—CONDITION OF VEHICLES

(Response to question raised by Hon. J. Michael Forrestall on October 29, 2002)

The Prince Edward Island Regiment currently has no Ilitis vehicles in operation. Of their 24 vehicles, 3 are permanently out of operation and the remaining 21 are out of service pending a range of different maintenance issues.

The Area Commander is conducting contingency planning to mitigate the impact of this situation on proposed training and to identify long-term solutions to the maintenance and availability issues of this fleet.

The 17-year old Ilitis light-vehicle fleet used by the Canadian Forces is nearing the end of its service life. It is no longer cost effective to operate and maintain the aging Ilitis fleet.

I can assure the Honourable Senator that replacing the Ilitis is part of the Department of National Defence's plan to ensure that the Canadian Forces have the equipment that they need to remain operationally ready.

At total value of \$225 million, the Light Utility Vehicle Wheeled Project will replace the Ilitis jeep with 1,663 new vehicles that will further strengthen the CF's combat capability.

I am pleased to advise the Honourable Senator that a contract for 861 of these vehicles for use in North America by the Reserves and some elements of the Air Force and Navy was signed on November 5 with General Motors.

The awarding of this contract is the first in a two-step process. A separate contract for 802 Standard Military Pattern vehicles, designed to meet specific training and operational requirements of domestic and deployed operations, is expected in 2003.

Fielding of both fleets of vehicles is expected to commence in 2003-2004.

[English]

PAGES EXCHANGE PROGRAM WITH  
HOUSE OF COMMONS

**The Hon. the Acting Speaker:** Honourable senators, I should like to introduce the pages from the House of Commons who are with us this week. Jessica Duarte of Whitby, Ontario, is enrolled at the Faculty of Social Sciences at the University of Ottawa. Jessica is majoring in political science and philosophy.

[Translation]

Ian Michon of Hull, Quebec, is studying social sciences at the University of Ottawa, majoring in political science. Welcome. Have a good week in the Senate.

• (1430)

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, on the Order Paper, under Government Business, I would like us to deal with item No. 1, a motion.

[English]

### CODE OF CONDUCT AND ETHICS GUIDELINES

#### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to join in this debate as to whether we should have a code of conduct for senators and, if so, what it should consist of.

I am not a newcomer to the theory of political ethics. As an undergraduate at Acadia University, I took several philosophy courses in ethics and political philosophy. I won the Ralph Hunt prize in political science and completed all the course requirements for a master's degree in philosophy. I did not complete my thesis, but the topic would have been concerning aspects of political ethics. Since coming to the Senate, I have served on two special joint committees on an ethical code of conduct for parliamentarians.

With that personal background, I now state that I feel that my serving Canadians as a Member of Parliament is a public trust. For years, I have felt that a code of conduct for both Houses of Parliament would help to reassure the public that all parliamentarians are held to standards that place the public interest ahead of parliamentarians' private interests. It would also provide a transparent system by which the public may judge this to be the case. For us as senators, it would provide for greater continuity and guidance in how to reconcile our private interests with our public duties.

The draft code that I had the privilege to work on with the Honourable Peter Milliken was designed to foster a consensus among parliamentarians by establishing common rules and by providing the means by which questions relating to the proper conduct may be deliberated on or answered, and resolved by an independent, arm's-length, non-partisan adviser we chose to call a "jurisconsult." One of the advantages of having a jurisconsult or ethics commissioner is that, as in the House of Lords, the member who takes and acts on the advice of the parliamentary officer, jurisconsult/ethics commissioner, in determining what is a relevant interest and proper conduct, will receive a letter or certificate fully satisfying the requirement of the code in the U.K. That is a major benefit to the member or senator, and we have a similar section in the draft code, section 27(3).

I approach this entire subject of a code of conduct with the conviction that at least some 99 per cent of Canadian parliamentarians intend, at all times, to represent the public interest and want to always act to maintain the public confidence and trust in the integrity of all parliamentarians.

In my opinion, the best way to provide the openness, transparency and accountability that Canadians want in their parliamentarians is to have a code. I feel that a code would provide guidance for senators in the standards of conduct expected of them in the discharge of their parliamentary and public duties.

If we have a code, what should be in it? First, it should be a regime based upon disclosure. We learned this from the Sinclair Stevens case. Sinclair Stevens was a cabinet minister or a public office-holder. The Honourable Mr. Justice W.D. Parker headed a commission of inquiry into the facts of allegations of conflict of interest concerning the Honourable Sinclair M. Stevens. In an exhaustive report of nearly 500 pages, he conducted a comprehensive analysis of real and apparent conflicts of interest, and he also addressed, for public office-holders, the relationship of spousal disclosure. I am aware that the bill and code before us envisage a separate code for public office-holders, but the discussion of Mr. Justice Parker, with respect to members and spouses, is instructive.

Here is what he said about the importance of a disclosure regime, at page 348:

In my view, public disclosure should be the cornerstone of a modern conflict of interest code. I recognize that the extent to which public office holders should make a public disclosure of private financial interests has been a matter of some debate both in Canada and abroad for a number of years. I am satisfied, however, that full public disclosure of public office holders' private financial interests and activities is the sensible direction of reform.

He added:

The point was made in the Aird Report: "full public disclosure of all economic interests and relationships is the strongest weapon in the arsenal of any conflict of interest regime." I agree. If modern conflict of interest codes are to

ensure that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced, they must be premised on a philosophy of public disclosure.

The suggestion that public disclosure must be a cornerstone philosophy for any modern conflict of interest regime, does not mean that public office holders would have to bare their souls. Canadians place a very high value on privacy.

He said that we should keep private those assets that are truly personal, such as place of residence, household goods, personal effects, automobiles, cash and savings deposits, RRSPs and so forth. The code need not require disclosure of net worth.

Finally, Justice Parker spoke about the disclosure regime in the United States, and he said:

I was particularly interested to learn that the disclosure requirements have not discouraged "good people" from entering politics or running for Public Office.

I read in the newspapers that a number of our senators are concerned that this will prevent good people from running or even accepting a seat when summoned to the Senate.

I should like to read about the experience in the United States, from page 350:

By all accounts, the U.S. disclosure requirements are working reasonably well. There had been criticisms relating to investigation and enforcement, but the requirements in principle have received wide-ranging approval. I was particularly interested to learn that the disclosure requirements have not discouraged "good people" from entering politics or running for public office. For example, a study of members of the U.S. House of Representatives and Senate conducted by the Center for Responsive Politics in 1985 found no one who felt that financial disclosure affected his or her decision to seek public office. Further, the vast majority of senators and representatives interviewed said that they knew no one who declined to seek public office because of the disclosure requirements. The disclosure obligation is seen as a reasonable requirement that quite properly attaches to the privilege of holding public office.

Honourable senators, in the time that remains, I wish to discuss four aspects of the code of conduct: first, appointment of an ethics commissioner; second, the House of Lords code in the U.K.; third, spousal disclosure; fourth, whether people other than senators should have the right to file claims; and fifth, my conclusions.

First, the ethics commissioner must be independent, objective, non-partisan, and he or she must be the epitome of integrity. The Red Book promised such an individual would be chosen only after consultation "with the Leader of all parties in the House of Commons and will report directly to Parliament."

What we have in this draft bill, however, is that the Prime Minister, through cabinet, will make the choice without reference to other leaders in Parliament. It says:



**72.1** The Governor in Council shall by commission under the Great Seal appoint an Ethics Commissioner.

This is fundamentally wrong and, in my opinion, should be changed. It makes the process too political. The appointment process would taint the commissioner before he or she even began work. If the right eminent Canadian is chosen, I feel assured there would be little, if any, difficulty obtaining consent from all the parties.

Second, the Leader of the Government in the Senate stated in her October 24 speech, in this place, the following:

The Prime Minister has stated that the government will be open to changes recommended by the Senate...

Senator Carstairs also said a code would modernize "Canada's Parliament in line with other parliamentary democracies, including those of the United Kingdom, Australia and most of our provinces." Our provinces do not have upper chambers, but the United Kingdom has the House of Lords.

• (1440)

The Milliken-Oliver report was considered by the Prime Minister to be a framework on which a Senate code could be built. Therefore, on the suggestion of both the Prime Minister and Senator Carstairs, the Leader of the Government in the Senate, it may be useful for our Standing Committee on Rules, Procedures and the Rights of Parliament to study the disclosure regime of the House of Lords as something we, a sovereign body, may find more suitable to the nature of our chamber. After all, in the Constitution Act and by convention, our two houses are very different. We are summoned; they are elected. Most of us represent the regions; they represent individual constituencies. Many of our house rules and procedures are different. In light of these and many other differences, there may well be changes and recommendations that we should make to the draft code that is before us, this framework legislation, which the government would welcome.

For instance, in the United Kingdom, members of the House of Lords are to register "all relevant interests." The test of relevance is whether the interests might reasonably be thought by the public to affect the way in which a member discharges his or her parliamentary duties. Their code says that the test of relevant interest is, therefore, not whether a member's actions in Parliament will be influenced by the interest, but whether the public might reasonably think that this might be the case. Relevant interests include both financial and non-financial interests.

The House of Lords adopted their code of conduct on July 2, 2001, as amended July 24. A careful distinction must be drawn with the U.K. practice because they do not have provisions such as our section 14(1) of the Parliament of Canada Act, which states:

No person who is a member of the Senate shall, directly or indirectly, knowingly and willfully be a party to or be concerned in any contract under which the public money of Canada is to be paid.

They can, in fact, receive remuneration in relation to advice on parliamentary matters.

However, the Lords have an interesting section on "shareholdings." In the section covering "shareholdings not amounting to a controlling interest," their code requires that only "significant holdings" should not be registered. Ownership of more than 5 per cent might reasonably be considered significant. Since there is not now, and never has been in Canada, a requirement to produce and declare a statement of personal net worth, the U.K. approach may be less intrusive, and yet just as effective as our draft section 22.

Third, when considering the issue of spousal disclosure, I find it useful to refer once again to Mr. Justice Parker in the Sinclair Stevens case. Here are some of the fundamental questions each of us as senators might want to ask in carrying out our duties as senators: What is the nature of my duties? What kind of decisions do I have to make? Is there anything in the activity of my spouse that could conceivably give rise to a conflict of interest on my part? Is any difficulty created when the professional or business activities of my spouse relate directly to the matters on which I am leading debate that could produce a benefit not generally available to Canadians? This is covered in our draft code, section 13(1), rules of conduct on insider information and the use of it.

Should only the member of Parliament disclose, or should the spouse be obliged to file a confidential disclosure statement? Throughout the draft code, the word "confidentiality" is stressed. First, let me quote section 30 of the draft code:

The Committee —

— committee of the Senate, a joint committee of the Senate and House of Commons —

— must take all reasonable steps to ensure that information relating to the private interests of Parliamentarians and those of their family is not publicly disclosed, except in accordance with this Code.

Honourable senators, I am aware that the question of spousal disclosure of financial assets, liabilities and interests is met with mixed enthusiasm.

The Milliken-Oliver report was premised on the belief that one reason for having a jurisconsult, or ethics commissioner, and for requiring disclosure, private and public, is to alert parliamentarians to situations that could prove embarrassing or difficult, to provide guidance as to how to resolve problems should they arise, and to provide an independent and fair mechanism for swiftly dealing with accusations, should that be necessary. From this perspective, the system may be seen as an asset for parliamentarians and their families, rather than an intrusion into their privacy.

**Hon. Elizabeth Hubley (The Hon. the Acting Speaker):** Senator Oliver, I wish to advise you that your time for debate has expired. Are you asking for leave to continue?

**Senator Oliver:** I would request leave to continue for a few more minutes.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Oliver:** In the U.K., the House of Lords' code deals with spouses differently than the draft code before us. For instance, under paragraph 13(c), regarding the financial interests of a spouse, a relative or friend, it is unlikely that an interest not held by a member of the house himself or herself, in our case a senator, would be appropriate for registration, although it may, of course, be necessary to declare such an interest when the member is speaking or participating in a debate. This is a very different approach from our draft code. It may, therefore, be useful for the Senate Rules Committee to have placed before it all of the rules, papers, documents, codes and Register of Lords' interests as the committee reviews what form of declaration may be appropriate in Canada.

While it is true that the modern tendency is for spouses to have independent careers and assets, that is a reason for disclosure, not against it. It would be rare to find a spouse who does not know at least the general nature of the other's financial affairs. Thus, the situation of a spouse is relevant when consideration of the conduct of a senator or MP arises: for example, where there might be a question of a member of Parliament's trying to exercise influence in favour of a given policy or matter.

Spousal disclosure is a feature of all of the provincial systems that are similar to the proposed bill and code before us. There is no evidence that the requirement for spousal disclosure provincially has deterred excellent individuals from running for public office.

An important distinction should be made between confidential and public disclosure. While the former, to a jurisconsult or ethics commissioner, would be complete, the latter would exclude the most common kinds of assets and liabilities. It is felt by some that, at the end of the day, many senators, members and their spouses would not have extensive public disclosure documents.

In conclusion, honourable senators, I say the following: If we have a code, we must have a regime of disclosure.

Second, it is clear from the statement of the Leader of the Government in the Senate, and indeed from the Prime Minister's own words when he says that he is open to recommendations by the Senate as to the form and content of this code.

Third, it is now possible to amend the draft in ways that will protect the dignity and the sovereignty of the upper chamber.

Fourth, the Senate Rules Committee should give serious consideration to having a separate code for senators, and to having a separate committee to oversee and administer the code for the Senate. This will ensure the flexibility to amend the rules when required by the Senate to enable the code to be current, given contemporary conditions. From my experience, in most

joint or special joint committees, the division of membership is normally one-third/two-thirds, placing the Senate in a distinct minority. The separate committee is, of course, envisaged by section 28 of the draft code before us in that it indicates:

Committees of the Senate and the House of Commons, or a Committee of both Houses of Parliament, must be designated or established for the purpose of this code.

It has already been envisaged in the draft that there could be a committee and a code for the Senate.

Fifth, the draft act should be amended so that only senators can initiate complaints against senators, as contained in section 31 of the draft code, and not as set forth in section 72.7 of the bill amending the Parliament of Canada Act.

• (1450)

Sixth, section 72.1 of the amendments to the Parliament of Canada Act should be amended to include a consultation process with all leaders tracking the undertakings in the Red Book, the rationale for which has been clearly articulated by Senator Lynch-Staunton in his remarks in this place.

Seventh, the code should not be created by legislation but should be adopted by resolution of the Senate. It may be useful for the Senate of Canada to review the House of Lords' Register of Lords' Interests.

**Hon. Jeremiah S. Grafstein:** Will the honourable senator accept a question?

**The Hon. the Acting Speaker:** Would you permit a question?

**Senator Oliver:** I would permit a question.

**Senator Grafstein:** I wish to welcome Senator Oliver's contribution to this debate. I find what he has said with respect to a rule-based model very appealing and persuasive.

However, I found an inconsistency between the honourable senator's conclusion and some of his preparatory comments which were, in effect, with respect to a statutory ethics commissioner who would be appointed by both Houses.

Does the Honourable Senator Oliver not feel that this, in effect, erodes the concept of separation of rules and separation of process for the two Houses? In other words, to each his own?

**Senator Oliver:** That is a very good question.

I have received advice that it is possible to have a code adopted by resolution, either in this house or in the other house, or in both Houses, and that legislation is not necessary for that.

I have also been advised, however, that if we wish to have a commissioner appointed by Parliament, that must be done by legislation and not by resolution of the house. If there is a conflict, it is a legal conflict, because some of the drafters do not know how there could possibly be a parliamentary officer whose office is created by anything other than legislation. That is the dilemma.



**Senator Grafstein:** If I may add a supplementary question, we have officers already established in this house. There are clerks and legal officers already established under the construct of this Senate, and under our rules. I do not know why we must invent a new wheel that goes to the other place, and that puts us, as senators, in a position where we cannot defend ourselves in the other place by virtue of the existence of an officer who is, in effect, appointed by statute, or who has jurisdiction over both places.

We already have very good, staunch and capable staff and independent advisers here. Many of us have had the benefit of legal advice from the Clerk and others. It would be more consistent if honourable senators were to follow the existing structure and do as has been done in the past, which is to establish rules that, in effect, deal with the public interest as well as the private interest of each senator.

**Senator Oliver:** Honourable senators, in the draft that is before us, there are provisions. The honourable senator is quite correct that the Clerk is an officer of the Senate.

Even in the draft code before us, there is reference to a number of activities that can occur when there is an allegation against a senator that is to be referred to, and investigated by, the Clerk of the Senate. That provision is already included here.

The only thing that is different from what is here is that they — the drafters — take it one step further: They say that after the Clerk of the Senate has gathered the information and conducted a preliminary investigation, he must then take the matter to the ethics councillor who has been appointed by Parliament. This person is seen, by way of this draft at least, to have a higher authority by virtue of being appointed by legislation.

**Hon. Serge Joyal:** Honourable senators, I should like to ask Senator Oliver a question. I commend him for this report that he prepared with Mr. Milliken.

The report contains in Recommendation No. 2 under "Evasion" that the rules of the Senate be amended. It is mentioned in the report that the jurisconsult shall be an officer of Parliament. Then it goes on to say:

After consultation with the leaders of the recognized parties in the Senate and House of Commons and such other persons as the Speakers consider advisable, the Speakers shall table a nomination in the Senate and the House...

The entire philosophy of the honourable senator's report, as I understand it, is to contain the system, not only the rules and the code but also the mechanism, within the Senate rules. That is, I understand, the thrust of the report.

What we have today under consideration, under the initiative of the Deputy Leader of the Government, is a draft bill and a proposed code of conduct that would be given effect in the *Rules of the Senate*. Thus, what I have difficulty reconciling is the

philosophy of this report, and I will certainly have another opportunity to express my views later on, that in my opinion is consistent with the constitutional status of our house. The honourable senator's report is absolutely straight on this. I will have another question later. However, on principle, the report is sound.

I listened to the honourable senator carefully. He seems to be maintaining that road or pathway of proposal. I follow him. However, at a point in time on the status of the jurisconsult or the ethics commissioner, the honourable senator seems to return to the statutory route.

Could the honourable senator tell us today if he has the capacity to take his report and the proposal of the draft bill and advise what route he would recommend this house to consider?

**Senator Oliver:** Honourable senators, that is a very good question. The report of Milliken-Oliver was tabled in 1997, and it was not adopted by either house. Since that time, lawyers in the Privy Council Office and elsewhere have looked carefully at the proposal as set forth for a jurisconsult, and the powers and the relationship of the rules. Some lawyers have given their opinion that it cannot be done in the way that is prescribed in the Milliken-Oliver report. In order for us to have an officer, that officer must be appointed by legislation, and legislation of the Parliament of Canada. That is the change.

That is why the draft before us does not reflect the Milliken-Oliver report that was tabled in 1997. Since that time, there has been a legal opinion saying that it cannot be done in that way. The better way to do it is by legislation, so that this officer is appointed by legislation approved and adopted by both Houses.

**Senator Joyal:** Honourable senators, I, too, wrestle with the idea of the status of an officer of Parliament. What is an officer of Parliament? There is no statute that defines what an officer of Parliament is. There is no such thing as a statute of Canada that defines what an officer of Parliament is.

As a Parliament, we have a certain number of officers who help Parliament maintain accountability of the executive of government. We have the Auditor General, we have the Chief Electoral Officer, we have the Privacy Commissioner. They help Parliament to keep the government accountable because they have an arm in the administration that we cannot have in our individual capacity. They help Parliament to maintain the accountability of government.

What we are dealing with here is not the accountability of Parliament; it is the accountability of individual senators, or individual members of this chamber. There is a difference between the two.

When I look at the proposed legislation with the idea that it is referring to an officer of Parliament, as was stated by the learned Deputy Leader of the Government in the Senate, I found many differences between the status of the ethics commissioner proposed in the draft bill and the analysis of the characteristic of each and every officer of Parliament that I mentioned.

For instance, important offices are held by the Auditor General, the Chief Electoral Officer, the Privacy Commissioner or the Access to Information Commissioner, who are all appointed by resolution; in other words, an order. That is important. The chamber gives an order. These officers have longterm mandates, such as a ten- or seven-year mandate, to put them outside of the reach of the electoral process.

Upon reviewing the draft bill before us, I note that it contains elements indicating a five-year term, which is essentially based on the electoral term, and the electoral agenda and calendar. It draws a kind of political mantle over the system. If we examine what and how that officer must report, we will find that he does not have the same status as those who we call officers of Parliament.

• (1500)

I understand that my honourable colleague and other learned lawyers are saying that if we want to have an officer of Parliament, we must do so by way of statute. However, a statute is not needed for the purpose of appointing an ethics commissioner. The honourable senator was right in saying that this house, through a resolution, could appoint its own ethics commissioner, and that ethics commissioner would answer directly to our house. We do not need to have the name of someone in a statute book to have an effective, credible and independent ethics commissioner who would be appointed to the age 70 years.

I read the 1978 bill to which the Honourable Leader of the Government referred. The previous government of Pierre Trudeau tabled it in 1978. That was Bill C-8, which, after consultation and resolution, would have appointed an ethics commissioner. In clause 13 of that proposed legislation, the person was to be appointed to the age of 70 years. Why? The report of the Allan MacEachen study notes that that is because the person must remain outside the reach of individual members.

I have looked at the bill, and listened carefully. Believe me, the honourable senator has provided me with a bible for the past several days. I tried to understand the characteristics of the individual whom we would wish to appoint, and I was in complete agreement with the honourable senator on this topic. However, we should not try to insert into the debate the notion of having an officer of Parliament. We are not seeking an officer of Parliament, because the person would be answerable to this chamber. The person would not control the administration of the government or its agencies.

Honourable senators, if the other place wants to have a statutory appointee for other reasons, which I will have an opportunity to discuss certainly, I would support that. However, the same thing is not at stake here.

At this time, as the honourable senator rightly says, we have the problem of having to reconcile our right to privacy as individuals and our public duty to maintain the trust of the people who are in the galleries and listening to us. How do we do that and maintain the constitutional independence of our chamber?

I have spoken at length. We rely on Senator Oliver because he has had an opportunity to investigate these issues. As I said, the principles were sound, but now it seems that we are mixing things that should be separated.

**Senator Oliver:** Honourable senators, it is really hard to add —

**Senator Grafstein:** Say “yes” or “no.”

**Senator Oliver:** The record should show that I should say “yes” or “no” to that question.

Honourable senators, I agree with much of the logic and analysis that Senator Joyal has given. I would hope that the Standing Committee on Rules, Procedures and the Rights of Parliament would summon some of the authors of the legal opinions upon which this draft legislation and the creation of the ethics commissioner have been based. That would provide an answer to the question, in part.

The second part of the question, beyond the legal opinion as to whether we need legislation in order to have an ethics counsellor appointed by Parliament, is even more fundamental and important. Do we need to have a parliamentary appointment or can we establish an ethics commissioner for the Senate by way of resolution of a Senate committee? It would seem to me that if we do not wish to have the Clerk of the Senate as the ethics commissioner, we could identify a person through resolution. We could identify an additional person such as a retired judge of the Supreme Court of Canada as the jurisconsult or commissioner.

However, that is a secondary question. My report and my comments today were based upon the difference between the government proposed draft before us and the Milliken-Oliver report. I thank Senator Joyal for his most interesting intervention.

**The Hon. the Acting Speaker:** Would the honourable senator take another question?

**Senator Oliver:** Yes.

**Hon. Anne C. Cools:** Honourable senators, I was following the debate. Perhaps there should be some clarification, because otherwise the record may represent misunderstanding.

I understood Senator Oliver to say that the Ethics Commissioner would be appointed by legislation. I made a note as he was speaking, because my understanding is that such a person would not be appointed by legislation. My understanding is that such an appointment would be made through an Order in Council. The legislation authorizes the cabinet to make such an appointment. Am I correct?

**Senator Oliver:** The honourable senator is correct in that legislation is required under the draft before us.

**Senator Cools:** It is a Crown appointment; the record should be clear on that.



I have a question of a parliamentary nature for the honourable senator. As he knows, the relationship between Parliament and the Crown is supposed to be a very jealous relationship. To my mind, the proposal for this Ethics Commissioner is an unparliamentary one in respect of the law of Parliament because it purports to give a stranger, in parliamentary language, powers to investigate members of Parliament. Second, the proposal purports to give a Crown appointee powers to investigate a member of Parliament.

My reading of history, which is modest, tells me that such proposals are unparliamentary and even foreign to the common law under our system of Parliament.

Does the honourable senator have a comment?

**Senator Oliver:** Honourable senators, the premise of the honourable senator is correct. Both the proposal in Milliken-Oliver and the proposal in this bill purport to give someone who would be a stranger, an eminent Canadian, perhaps a retired judge, the power to investigate, give advice and report. That is correct.

It would be news to me if that were contrary to common law.

**Senator Cools:** Honourable senators, historically, as I said before, Parliament has been very jealous in its rights for its members. The term "trial by one's peers" comes from one house of Parliament.

Parliament has always been very jealous in its hold on its members. We could use different language: We could say that the Houses of Parliament are masters of their respective houses. For example, any member can rise at any moment and make a motion to exclude strangers.

Parliament embodies the rights of the people. The rights of the subjects to representation were never to be subject to any stranger in respect of parliamentary activities. I point out to the honourable senator that the term "jurisconsult" is foreign to common law principles.

I find the proposed legislation not only alien to Parliament but also hostile to Parliament. In addition, the proposed legislation makes no provision for due process for senators. Therefore, I am not supporting it. I do not understand how these foreign concepts — and when I say "foreign" I mean hostile to the existence of Parliament itself — can make their way into our very being.

• (1510)

I can see from over here the reactions to questions that I am raising in senators' minds. It is extremely important that, at the end of the day, Parliament and Parliament alone maintains complete control over its own independence, and that it remains master of all its activities and, more important, that it is the master of the conduct of its own members. This is an important and longstanding parliamentary tradition. It was secured by the Bill of Rights of 1688 and has been secured in many subsequent

statutes. I intend to speak in this debate as time unfolds, but I find the proposals contained in the documents before us repugnant to Parliament.

**Senator Oliver:** It seems that some of Senator Cools' suggestions concur with the eloquent suggestions made earlier by Senator Joyal, namely, that we have in this place already certain officers, such as the Clerk of the Senate, who could do the job that the code envisages. To that extent, Senator Cools agrees with Senator Joyal. Since both the Leader of the Government in the Senate and the Prime Minister have said that they would welcome these suggestions, it seems to me that this is something that our committee could recommend.

**Senator Cools:** What I am trying to get at, I suppose, is that the BNA Act clearly lays out that the control over the behaviour and conduct of senators is supposed to be a matter exclusive to the Houses of Parliament themselves, particularly the Senate. If you look at those sections of the BNA Act, they still refer to processes like "attainder," and so on. It was intended by the Fathers of Confederation that — and I do not want to use the word "control," — the superintendence of its members is a feature of the high court of Parliament. It was thought to be unparliamentary that members of the high court of Parliament should be subjected to lesser tribunals or to lesser persons. These are the principles of the system. That is why those sections are included in the BNA Act, namely, to ensure that at any given moment the control of the behaviours and conduct of members rests with the House as a whole.

I do not think I am revealing anything that every one here does not already know. It is for this reason that I consider the proposals that are before us to be extremely questionable and suspicious. I also see them as being very menacing and mischievous because, at the same time as they purport to contain certain piety, they make absolutely no provision for what I would consider as giving members of Parliament due process. As far as I am concerned, I would have great difficulty supporting that.

Perhaps, honourable senators, I am saying something that we have not yet canvassed enough in this chamber, and perhaps as the debate goes forward it will be canvassed a little more. However, there is absolutely no reason whatsoever, and there is absolutely no legal base for the phenomenon that is being proposed, which is to subject members of Parliament to investigations from non-members. There is no philosophical or historical ground for that whatsoever. This is totally new, and honourable senators should resist these proposals and fight them as strenuously as possible because, as I said before, they are pernicious and mischievous. What they will be creating is a regimen for false accusations and purely political manipulation where some individuals will be invited to make allegations, false and true, against other members.

We all know that, historically, the most effective way to tie up and to thwart and to blunt any parliamentarian's performance was to entrap a member of Parliament in the phenomenon of having to defend themselves, even before the courts. This is a very old phenomenon, and this is why, historically, we have a set of parliamentary privileges.

However, I am of the strong opinion as well that these proposals presently before us violate the protections that are already contained in the BNA Act and they also violate what we call the law of Parliament. I will expand on that as we go forward but, as I said before, the proposals that are before us are so bad and so poor that it is my humble opinion that we should abandon these proposals. If members of this house feel so strongly that we should have a code of ethics, then such a code of ethics should be brought forward as a product of this house, at the initiative of this house with the trustful cooperation of members of this house, rather than the proposals that are before us, which are coming forward to us as an executive proposal from the cabinet. Something is very wrong with that, honourable senators, and I would like to address that as we go on. These are not proposals from the Senate; these are cabinet proposals.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** On, a point of order, just for my information, are we on questions to the honourable senator who just spoke, or is Senator Cools making her speech now?

**Senator Cools:** I thought I was having a lovely exchange with Senator Oliver. I was asking him for his comments on what I was saying. I have known Senator Oliver for a long time. We started our jousts beginning with the GST. This is not a question, but some honourable senators are calling for a question. Honourable senators can have an exchange once senators permit it, but I will keep you in suspense. I will be happy to take the adjournment if no one else wishes to do so.

**The Hon. the Acting Speaker:** Senator Oliver, do you wish to make a comment to that comment? Would you entertain another question from another senator?

**Senator Oliver:** Yes.

**Hon. Richard H. Kroft:** Honourable senators, I will try to confine my question to a specific portion of the comments of Senator Oliver. It has to do with the area of disclosure. Because we are early in the consideration of this subject, I would like some clarity. The honourable senator cited with favour a number of different sources on the issue of the importance of disclosure, and I believe he really described the process of disclosure as being central to the process.

I have some trouble with this whole area for a number of reasons, but I wanted to get some clarification. The honourable senator referred with favour, I believe in most cases — or at least with interest — to the code of conduct of the British House of Lords. It is my reading of that code, and of the reports that led up to the production of that code — and, I should add for all honourable senators that an enormous amount of time and effort was spent in committee in consideration before they got to their position, which should be a caution and advice to us all — that they did not accept the word “disclosure” lightly. There has been a great deal of emphasis in the lead-up to that and in the code itself to the concept of “relevant disclosure.”

Disclosure can be made in two ways: It can be by way of the register or by way of declaration in the course of a debate or a committee proceeding. They went to great lengths to ensure that

the disclosure is relevant, which I understand to mean relevant to a particular issue, a particular speech, a particular committee investigation that a given member of that house is involved with at the time. It is not a blanket revelation that should apply to a whole range of concerns, interests, benefits, assets or liabilities of a particular senator in anticipation of what may come up in the course of his or her work.

• (1520)

As I read both the preamble and the code itself in the House of Lords, I find that they have followed closely to the line that disclosure must be relevant to the issue that is under consideration. That is quite different and much more akin to the corporate world and other areas where many people are accustomed to functioning. The honourable senator has discussed this with favour on some occasions and on other occasions he has spoken in favour of a broad disclosure being central to the success of this type of provision. I find that to be a contradiction because the honourable senator seems to be citing contrary sources with favour.

**Senator Oliver:** Honourable senators, I do not think I am citing contrary sources with favour. I have tried to present a brief history of conflict of interest regimes. My chief source of information was the report of the Honourable Justice W.D. Parker who headed up the commission of inquiry into allegations of conflict of interest in the Sinclair Stevens case, wherein he referred to the Starr-Sharp report, the Aird report and many other major reports in Canada that have attempted to define, in a parliamentary way, what a conflict of interest is and how to overcome it. All of their conclusions were the same. In every case they said that to have a proper regime for public office holders — for cabinet ministers — there must be a regime of disclosure.

That is the same conclusion that the House of Lords reached. It has what is called a “Registry of Lords’ Interests.” They go even further than anything suggested in Canada by saying that if one even serves as a member of a board of directors of a charitable organization, they want to know about it. I will give an example: Lord Acton, member of the Oxford Brookes University Court, must disclose his membership in the register. In one sense, they go much further.

Was I in conflict when I said that if we are to have a code, we must have a regime of disclosure? The House of Lords states that they have a code that is based upon a regime of disclosure, and I agree with that. I do not see how there can possibly be a parliamentary code of conduct without some form of disclosure. At the beginning, in the middle and at the end of my speech, I said that the key issue for determination by the Rules Committee is that if we are to have a regime of disclosure, of what should it consist? What is to be disclosed; how is it to be disclosed; and to whom is it to be disclosed? That is the issue before us.

The honourable senator will recall that I said it would be important for the Rules Committee to have laid before it all of the debates, the rules, the documents and the codes of the House of Lords because they could be most instructive, particularly if we are to take the approach that this chamber should have its own separate code administered by its own committee.



**Senator Kroft:** Honourable senators, I wish to re-emphasize my concern, which was not with the word "disclosure" but with the term "relevance." My problem with much of the concept of disclosure is the casting out of vast amounts of information, which becomes a playground for various and sundry purposes. The issue of relevant disclosure is central to the rule of the House of Lords, both in the language of the rule and in the language of its authorities. They have spent a great deal of time preoccupied with the word "relevance." That is where the honourable senator and I seem to be not quite connecting. When he talks about disclosure, I do not find him so pre-occupied with the concept of relevant disclosure.

**Senator Oliver:** Honourable senators, that is not accurate. When my speech is read, it will be obvious that I quoted the House of Lords' definition of "relevance with approval," both in terms of the member and of the member's spouse. I recommended that the Rules Committee look at the U.K. definition of "relevance," and I also talked about the definition of relevance in relation to shareholdings and stockholdings. They go so far as to say that perhaps 5 per cent is not a material holding, and if that is so, it does not have to be publicly disclosed. I spoke in favour of that measure.

**Hon. Joan Fraser:** Honourable senators, I have two questions for the Honourable Senator Oliver. The first one concerns spousal interests, which, as he noted, are subject to some controversy. Might one way to square the circle be to establish a system whereby spousal interests, above the thresholds that have been agreed upon, would be declared to the ethics officer and not declared to the public? The ethics officer would be empowered to rule on whether there were conflicts concerning spousal interests, but the public would not be aware. I do not know whether that would solve the problem, but I would like his view on that suggestion.

My second question has to do with the point raised by Senator Kroft. Many colleagues have been impressed by the approach of the House of Lords to these matters, but I am a little troubled. If I understand their approach, the peer decides what is relevant. There are long lists of indicators, but in the end the peer decides whether his or her interests are relevant. One of our colleagues showed me the list of registered interests to which the honourable senator referred. I noticed with some astonishment that Lord Jeffrey Archer, the well-to-do writer, did not declare his interests in all of those novels for which he collects large royalties. It may be public knowledge but the interest is not declared. Does the Honourable Senator Oliver believe that self-definition of what is relevant is sufficient, or does he believe that there must be a rather more compulsory quality in deciding what is to be disclosed and what is not to be disclosed?

**Senator Oliver:** Honourable senators, the first question relates to spousal interest and whether the person should just disclose to the ethics commissioner and that that not become public. That is not the way the regime in the House of Lords has done it. In that House, if you are speaking to, or leading, a matter and your spouse has financial or other interests that may be in conflict, you have an obligation to disclose it in the speech, the debate. If a conflict exists, you cannot vote on that particular matter.

Even in our code, we have a provision such that if that kind of conflict occurs — spousal interest — you cannot vote. In that sense, the two codes are the same. Part of a code of conflict is for the public, not just for us. The public must have some idea and some assurance that what we are doing is accountable. If everything is hidden and not disclosed, the public will never know and we will be in no different situation then than we are now. Certain things do have to be disclosed. The House of Lords got around the problem by saying that if a spouse is in conflict with the item or issue that the member is proposing in this debate, the member must disclose it publicly and explain the conflict. Then the member would take his or her place and not vote on the issue. That is appropriate.

**Senator Grafstein:** That is the common law.

**Senator Oliver:** The language of the Code of Conduct of the House of Lords states that:

The test of relevant interest is whether the interest might reasonably be thought by the public to affect the way in which a Member of the House of Lords discharges his or her Parliamentary duties.

That is the subjective test. The test of relevant interest is whether the public might reasonably think that there is an interest.

**Senator Fraser:** My understanding is that, in the end, the peer decides whether the interest is relevant. Is it not better to have a set of rules established by an outside person that would be binding and not just suggestive?

**Senator Oliver:** There is a registrar to whom the lords may counsel advice and opinions, in the same way that we may approach an ethics commissioner. It is not just they who make that decision in the House of Lords regime.

**Hon. Herbert O. Sparrow:** Honourable senators, when the time for questioning the honourable senator is finished, I should like to adjourn the debate; but, first, I should like to ask Senator Oliver a question. We are covered in the Senate in respect of conflict of interest and ethics, it would appear, in at least four areas.

• (1530)

One is the rule of Parliament; the second is the rule of the Senate; the third is the Criminal Code; the fourth is the Constitution. We are covered, it seems to me, in all of those areas if there is conflict of interest or if there is an ethical problem with senators.

Might I just say that I appreciate the fact this matter is being thoroughly debated and that no senators have objected to the time limit. This is crucial.

Perhaps Senator Oliver could tell me now what conduct of senators is not covered in those four parameters. Perhaps the honourable senator could indicate what is not covered in any of those rules and then we could discuss it on that basis.

**Senator Oliver:** Honourable senators, the Sinclair Stevens case would be a good example. I hate to make up hypothetical examples, but I will make one up. If a senator was involved in and took a position on a matter that might favour his brother, spouse or the honourable senator in a way that other members of the Canadian public could not benefit, and that was not disclosed so the public did not know about it up front, then that would not be covered by the definition of fraud in the Criminal Code as it exists now. It will not be caught by the Parliament of Canada Act, and it will not be caught by the Rules of the Senate. That is one reason why we should have a code.

I can think of many other conflict-of-interest-type situations in which a senator might find his or herself where it would be useful to have a public officer or the Clerk of the Senate, a person with whom one could discuss the idea in terms of whether one should make a certain investment or take a certain interest. It would be good to have a final, definitive opinion that would stand up in this house and outside this house that, yes, it is all right to take a particular course of conduct. It is not a conflict of interest. Right now there is no body to give that definitive opinion.

**Senator Sparrow:** I am certain we could draw out 100,000 such suggestions.

Who is Stevens?

**Senator Oliver:** The Honourable Sinclair Stevens.

**Senator Sparrow:** He was a member of cabinet at the time. That is an entirely different story. We are not talking about that.

**Senator Oliver:** I know that.

**Senator Sparrow:** We are talking about the Senate and the Senate chamber. To bring in what other people may have done in contravention of the Criminal Code or as a conflict of interest in the other chamber or in the cabinet is an entirely different story.

**Senator Oliver:** I am aware of that.

**Senator Sparrow:** I am sure the honourable senator is aware of that. As members of the upper house of Parliament, we have freedom. However, we must not use that as an argument to bind us to rules that may be broken in the future. We cannot cover all of those.

The honourable senator used the word "hypothetical." We cannot change the rules or have conflict of interest or ethics rules because of some hypothetical issue that may come up. We must deal with these matters in terms of history that could happen and repeat itself in the future. I have no recollection of any problems in the Senate that the Senate has not dealt with by its peers.

Could the honourable senator give me an example of a situation that was not dealt with properly by the Senate?

**Senator Oliver:** I do not have such an example.

**Senator Grafstein:** Honourable senators, I have a brief supplemental question.

Listening to this last exchange, it occurred to me that everything that Senator Oliver has mentioned or alluded to, based on the comments of Senator Fraser is already public. If one is an officer of a public company, it is public. It is in a public register. If one is a director or officer of a private company, it is public. It is on the corporate records. The same is true if one is an officer of a charity, and some of us have been advised not to serve on a charity.

**Senator Meighen:** Shame!

**Senator Grafstein:** Shame that conflict of interest should be so general to prevent senators from doing their duty in their region by serving on a charitable organization.

Finally, as an insider who owns up to a certain percentage of the company, again you are obliged to disclose that under the Toronto Stock Exchange or the Securities Regulations.

When I look at disclosure on the private side, there are a number of regulatory regimes in place. If it is happiness for some senators or for some members of Parliament or for some bureaucrat to know that they are all in one place, they can be registered, as they are in the House of Lords, in one place. There is no objection.

However, to say that there are not existing conflict of interest rules at every level of our public and private life is to say that there is no regulation. I do not understand this obsession to do more, which does not satisfy disclosure or public conflict of interest, but satisfies the prurient interests of some who say, "I want to know more. I want to delve into the private lives of public figures," which I abhor.

**Senator Oliver:** When one reads the declarations from the House of Lords, we do not get much information. There are a number of Lords who have nothing to declare, and there is absolutely no declaration. There is nothing that has been found to be in conflict.

Lord Ackner, no relevant interest. Lord Aberdare, President of Mountain Ash, YMCA.

**Hon. Tommy Banks:** Honourable senators, I must say that I am still pinching myself at the level of the debate and discussion in this place that it has been my privilege to hear.

The day before I came here, I read a book, "Welcome to the Senate." Here is what it is about. I realized that independence is very important.

I know Senator Oliver rose today to make a comparison between Oliver-Milliken and the present draft before us. The distinguished work that the honourable senator and Mr. Milliken have done in respect of this question is very clear to us all.

However, I wish to go away from that and ask what is perforce, since it is me asking it, a much more simple question. The reference to the U.K. example is one, if I understand it correctly, in which a regime exists and obtains in the House of Commons in the U.K. and another completely separate, unconnected regime that exists in the House of Lords. I believe that is correct.



I believe it is the mood of many honourable senators present that it is all very well to have a connection, however tenuous, with the same kind of regime mechanisms, authority and the like, and with what might be quite properly decided by senators and what might be imposed by members of the other place, if they wish to have someone from outside be their policeman. However, since there seems to be a mood that perhaps we ought to drive our own bus, what is the honourable senator's view of the proposal or idea that the Senate ought to preempt the question and, rather than dealing with the proposal in the Rules Committee, but through whatever committee it decides, devise its own code, since there seems to be a political necessity for a code. Perhaps the Senate ought to be the captain of its own ship entirely and there ought not to be a connection of any nature between what is done in the other place and what is done here?

• (1540)

**Senator Oliver:** That is a good question. It is similar to two other questions that were raised this afternoon during the debate. The honourable senator has said that there were two things I tried to do. There were actually three things I tried to do. The first thing I tried to do was to speak in support of some of the good elements of the Milliken-Oliver report. The second thing I tried to do was to show the distinction between the draft code prepared by the government and the amendments to the Parliament of Canada Act presented to us. The third thing I tried to do was to ask, having read and studied both of those documents: Where should this sovereign, independent body, the Senate, now go?

In the Milliken-Oliver report of that special joint committee, we recommended that a joint committee of both Houses be established, and that there be a joint committee made up of members of both houses as a way of dealing with the jurisconsult. In today's debate, the third thing I tried to do was to move away from the draft before us, and move away from Milliken-Oliver, and try to come to something that was more patented to the Senate, which is directly in line with the honourable senator's question.

I concluded my remarks by making six recommendations, which I will not repeat. With the invitation of the Prime Minister, who said that he would welcome recommendations for changes from the Senate, and Senator Carstairs, who also said that she would welcome us looking at the U.K. experience in the House of Lords, I recommended that the Rules Committee look into the establishment of a set of Senate rules.

I went on to say that I have served on special joint committees, and as a member of the Senate I was always in a minority because the House of Commons always had the majority, and the view of the House of Commons prevailed. On the basis of my personal experience, I felt it would be better, given the situation, for the Senate to have its own committee, its own rules, and to report to itself. That is what I am recommending today.

**Senator Banks:** I am very glad to hear the answer of the honourable senator. My question was occasioned by his use of the word "change" in respect of what is there now as opposed to putting something else beside it, but I now understand and agree with the thrust of the honourable senator's recommendations.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, I have always wondered why we got involved in joint committees with the

other place. I have been in the Senate for 15 years, and would like some clarification on this. What is the advantage in it for the Senate?

[English]

In a joint committee with the other side, senators represent about 15 per cent of the membership, so I do not see the point of doing that.

[Translation]

On the other side, we have aspiring ministers. There is a shuffle and they get to be ministers. Then they are part of the executive branch of government.

[English]

They deal with matters of public policy and they are in the business of government. We are not involved with that here.

[Translation]

In the Senate, we are people of independent judgment. We have no ministerial aspirations. I do not want to be a minister, would not hear of it. What interests me is to be here, and to be able to voice my opinion on the government's public policies.

I do not see why the people in the other place, who have the same role as we have here in establishing our own rules, should be interested in knowing whether we are honest and acting appropriately. I do not see the need for it, maybe because I am getting older. Who knows?

[English]

**Senator Oliver:** I agree with the honourable senator.

[Translation]

I was in government long enough to say that in the Senate, things are quite different.

[English]

I can tell you that.

On motion of Senator Sparrow, debate adjourned.

**UNVEILING OF OFFICIAL PORTRAIT OF THE RIGHT HONOURABLE MARTIN BRIAN MULRONEY**

**MOTION TO APPEND SPEECHES MADE DURING CEREMONY ADOPTED**

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I ask whether the speeches of the Right Honourable Jean Chrétien, Prime Minister of Canada, the Honourable Senator Pépin, the Speaker *pro tempore* of the Senate of Canada, the Honourable Peter Milliken, Speaker of the House of Commons, and the Right Honourable Brian Mulroney, eighteenth Prime Minister of Canada, delivered yesterday at the unveiling of the official portrait of the former Prime Minister Mulroney might be appended to the *Debates of the Senate*.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, we are still in Government Business, and should be moving on to consideration of Item No. 1, resuming debate on second reading of Bill C-10.

[English]

## CRIMINAL CODE FIREARMS ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

**Hon. Willie Adams:** Honourable senators, I should like to speak to Bill C-10 in regard to a concern that I have as it relates to the Criminal Code and cruelty to animals, and between the Criminal Code and the Firearms Act.

Before I make my speech, I want to say a few words in English, and from there I would like to repeat what I did once before when my colleague Senator Watt translated my speech from Inuktitut into English. I believe we need to understand how we legislate for the people of Canada because sometimes we have different cultures and systems, and things are done in different ways. In my case, during the time when the Senate is not sitting, I go home to Rankin Inlet and it is altogether different from living in Ottawa.

Before I make my speech, however, I wanted to speak a little in English about the fact that I am concerned about our people living with animals up on the land. We need to understand that all the people in other communities will be affected by legislation that is approved here in Ottawa.

[Editor's Note: The honourable senator continued in Inuktitut, Senator Watt Translating]

Honourable senators, I rise today to speak on Bill C-10, about my great difficulties with this bill and how it is applied to the Aboriginal people. I feel this bill should be split into two bills and appropriate amendments should be made to the appropriate acts.

**The Hon. the Acting Speaker:** Honourable senators, I regret to interrupt, but I am wondering whether we might ask leave of the house for the Honourable Senator Watt to speak in his traditional language.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** I think we should be clear that Senator Watt is, in point of fact, translating. Senator Watt is being kind enough to provide a translation service for Senator Adams.

**The Hon. the Acting Speaker:** Thank you very much. Is this procedure agreed to, honourable senators?

**Hon. Senators:** Agreed.

**Senator Watt:** Honourable senators, may I remain seated while Senator Adams is standing?

**Hon. Senators:** Agreed.

**Senator Adams:** We will make it, honourable senators. Thank you very much.

• (1550)

[Editor's Note: The honourable senator continued in Inuktitut — Senator Watt Translating]

We Inuit have lived in Nunavut and other northern regions for centuries without the meddling ways of other people. We have hunted to provide for our families. Animals provide many things for the day-to-day living of an Inuit family. The hunter shares extra meat from an animal with people in the community. We only kill what is needed. To this day, and for many years to come, I hope the Inuit will be considered sustenance hunters. Because there is high unemployment in Nunavut, many people can only provide for their families by hunting. By hunting for and with our families, we are installing in our children their culture and the ways of the Inuit before us. We have a very close relationship to the land.

Many hunters and trappers will be wary of this bill. Aside from examples mentioned in Senator Watt's speech on this bill, other examples of hunting methods used in the North are trapping, spearing and netting for fish.

On May 23, 1993, an agreement was signed between the Inuit of Nunavut settlement areas and Her Majesty the Queen in the Right of Canada. Article V deals with wildlife. Section 5.1.2(a), states that "there is a need for an effective system of wildlife management that complements Inuit harvesting rights and priorities, and recognizes Inuit systems of wildlife management that contribute to the conservation of wildlife and protection of wildlife habitat." Other parts of the section state that there is a need for a system of wildlife management in relation to this renewable resource. Other sections state that wildlife management and Inuit harvesting rights are governed by the principle of conservation.

Honourable senators, the Inuit follow the principles of the above article, and have for many centuries. As an example, the former Prime Minister was here yesterday. The agreement he highlighted is the one that is more of a Bible for the Inuit in the North. This is well-detailed and thought out, and describes what the management is all about and how it can be done. It is not quite that simple to ignore this agreement, because it is an agreement between the people of the North and Canada, this great country of ours. The agreement is between the Inuit of Nunavut settlement areas and Her Majesty the Queen in the Right of Canada.



The principle of traditional Inuit hunting is the protection of wildlife while maintaining a balance of nature. Part of the agreement was that the Nunavut Wildlife Management Board was to be established to be responsible for wildlife management in the Nunavut settlement areas. This board also determined the number of animals that can be hunted after much study of the stocks and populations of wildlife has been conducted.

The hunter and trapper associations buy the furs from the hunters. This generates \$6 million, money that is kept within Nunavut and within each community and used for programs that benefit all Nunavumiut. This is much needed money in a territory where there is high unemployment.

• (1600)

The section in the bill that deals with the firearms has had a great impact on northern communities. Senator Jaffer said in her speech that "this bill would improve efficiency in the administration of the program." This might be so in southern Canada; unfortunately, it is not so in Nunavut.

In April of this year, I asked a question regarding the difficulties people in Nunavumiut were having in obtaining their firearms licences. The firearms officer situated in Iqaluit was let go in March of this year. The office was closed and all services were administered out of Regina. Just recently, it was announced that a new firearms officer has been hired and that after a period of training he will reopen the office in Iqaluit.

The majority of people in Nunavut have guns in their homes, as they hunt on a daily basis. Many of our elders are unilingual, there has not been anyone who can answer their questions. This delay means that many licences are not completed. I hope the people of Nunavut will not be penalized for the mistakes made by the firearms agency itself.

**The Hon. the Acting Speaker:** Honourable Senator Adams, I regret to inform you that your time for speaking has expired. Are you asking leave to continue?

**Senator Adams:** Yes.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Adams:** According to proposed subsection 19(3) of this bill, why are non-residents treated better than Canadians and, more specifically, Canadian Inuit?

As I recommended in my speech, honourable senators, my hope is that this bill will be divided into two separate bills and dealt with accordingly in committee with regard to the definition of cruelty to animals and with regard to the firearms portion. We want the same generosity applied to Canadian Inuit as is applied to non-residents.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I have a question of the honourable senator. Should we adopt this bill at second reading, it is my understanding that there is an agreement across the chamber to accept the proposition of the honourable

senator. Presumably the debate is close to conclusion and a motion will be brought forward from the government side that there be an instruction to the committee to split the bill. Is that the honourable senator's understanding?

**Senator Adams:** Yes, that is my understanding.

**Senator Cools:** I have a question for the honourable senator. We have known each other well and for a long time. I believe that Senator Kinsella just asked Senator Adams whether he had heard of these events that have to do, from what I was able to understand, with the government agreeing to split the bill. Perhaps we could have a more fulsome explanation of that because it is all news to me. Whenever new information enters the fray, it should be brought forth to the chamber in a most fitting way. I do not know who should do that. Perhaps Senator Adams could tell us, or maybe the Leader of the Government or the Deputy Leader of the Government could rise to give an explanation. It seems to me that what has been brought forward is nothing less than profound, and it would seem to me to be of great interest to most honourable senators here. Perhaps we could have some information about this recent development.

**Senator Adams:** I will yield to Senator Watt, he being able to explain the agreement with our leader this morning.

**Hon. Charlie Watt:** Honourable senators, if the Senate is prepared to revert to Notices of Motions, I believe Senator Adams is willing to put forward a motion to refer this matter to committee with instructions to split the bill.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I think that Senator Adams could clarify the matter by perhaps agreeing that what was discussed this morning was exactly as Senator Kinsella described, but that his motion would come forth after second reading of the bill and the referral of the bill to committee.

**Hon. Herbert O. Sparrow:** I do not know who to ask this question of, but I will proceed. If the motion that the bill be split goes forward, would it be an authoritative directive to the committee? Would the bind committee be bound to split the bill? Would the proposed legislation then come back to this chamber as Bill C-10A and Bill C-10B? Both bills would be returned following a split of the original bill. Do I understand the process correctly?

• (1610)

**Senator Kinsella:** Honourable senators, as Senator Sparrow's intervention is in the realm of a point of order, I think that I can speak to the point of order. My understanding is that it would be out of order to split a bill at second reading. However, as Senator Adams has indicated, there has been a fulsome debate at second reading. One of the fruits of that debate has been an undertaking that the Deputy Leader of the Government has just verified: If we adopt the bill at second reading now, Senator Adams will rise and ask for consent to revert to Notices of Motions, whereupon he will give notice that an instruction be given to the Standing Senate Committee on Legal and Constitutional Affairs to split the bill in committee.

**Senator Sparrow:** I asked whether the split bill will come back to the Senate and be read a second time as Bill C-10A and Bill C-10B. Is that correct? Will the process be repeated?

[Translation]

**Senator Robichaud:** Honourable senators, the agreement on the bill was clear and straightforward. Once debate ended, the bill would be referred to committee after second reading. At that time, with leave of the Senate, Senator Adams would move a motion that the committee split the bill, based on what he proposed at the end of his speech. The committee would act accordingly, when it reported the bill to the Senate for third reading.

[English]

**Senator Sparrow:** Honourable senators, it is not clear to me yet. The answers from each side of the house appear to be somewhat different.

The Leader of the Government or Deputy Leader of the Government said that the committee will make that decision. I got the information from the other side of the house that, yes, that is an order to the committee that the bill will be split. Will the bill come back to the chamber as a split bill, and then will second reading begin on each one of them again? I need answers from both honourable senators on that.

Is that not an amendment to the bill, to split these two matters, and then have those two bills come back to this chamber as amended? The bill is split; if that is an amendment, does that not necessitate the bill going back to the House of Commons, stating that the Senate has amended the bill accordingly? In other words, it would have to go through the process of going back to the Commons and then coming back to this house, is that not correct?

**Senator Kinsella:** I think so.

**Senator Cools:** I am bewildered by this development because, essentially, we are being told that someone, I believe Senator Adams, has had private discussions with someone, I presume the Minister of Justice, and that somehow some undertakings have been made which are now being disclosed to honourable senators in this place. The whole situation is rather odd. It might have been far better if the government, in another way and using a different procedure, had disclosed this information to honourable senators.

Are we discussing a motion that is not before us, or are we discussing Senator Adams' intention to move a motion? It is all very curious. Perhaps it would be better if this debate were to take place once Senator Adams has moved his motion. The entire process is a little peculiar. If Senator Adams intends to move a motion to split the bill after second reading, then I do not understand how that can be done procedurally. The bill will be sent to committee, but where will the split happen? Will the bill be split here in this chamber?

**Senator Robichaud:** No.

**Senator Cools:** This is all very curious. If the bill is sent to committee to be split, then the committee will be studying two different bills. Will they be studied simultaneously or consecutively? Then, if they are being studied, one of those separated bills will not have had second reading because there will be two parts to the bill.

This is procedurally complicated. I feel as though I am operating in the dark, because I just happened to glean this information.

Perhaps, honourable senators, we could give the Leader of the Government an opportunity to make a more fulsome speech on this matter at this moment so that all honourable senators could get a better grasp of what it is that is unfolding before us.

**Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is the house ready for the question?

It was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

Motion agreed to and bill read second time, on division.

[Translation]

#### REFERRED TO COMMITTEE

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I move that the bill be referred to the Standing Committee on Legal and Constitutional Affairs.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. senators:** On division.

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

#### LEGAL AND CONSTITUTIONAL AFFAIRS

##### MOTION TO INSTRUCT COMMITTEE TO SEVER BILL C-10—ADOPTED

Leave having been given to revert to Motions:

**Hon. Willie Adams:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:



That it be an instruction to the Standing Senate Committee on Legal and Constitutional Affairs that it divide Bill C-10, an Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, into two Bills, in order that it may deal separately with the provisions relating to firearms and provisions relating to cruelty to animals.

**Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Eymard G. Corbin:** I want to clarify a matter. Is an instruction a binding order on the committee?

**Senator Kinsella:** Yes.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, as I understand it, when the Senate issues an order, the committee must respond to the Senate's order.

• (1620)

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** On division.

Motion agreed to, on division.

[English]

**BANKING, TRADE AND COMMERCE**

**COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE**

**Hon. E. Leo Kolber:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Acting Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

**COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE**

**Hon. Marjory LeBreton,** pursuant to notice of November 7, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit Wednesday, November 20, 2002 at 3:30 p.m., even though the Senate

may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

**LEGAL AND CONSTITUTIONAL AFFAIRS**

**COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE**

**Hon. George J. Furey:** Honourable senators, with leave of the Senate and notwithstanding Rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Acting Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

[Translation]

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

**MOTION TO AUTHORIZE COMMITTEE TO STUDY ACCESS OF HARD-OF-HEARING PEOPLE TO TELEVISION PROGRAMS—ADOPTED**

**Hon. Jean-Robert Gauthier,** pursuant to notice of October 9, 2002, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and assess the obstacles confronting deaf and hard-of-hearing persons who want full access to television programming, films or any other form of communication or official announcement dealing with health, the maintenance of order or public safety.

He said: Honourable senators, this motions asks the Senate committee to examine and assess the obstacles confronting deaf and hard-of-hearing persons who want full access to television programming, films or any other form of communication or official announcement dealing with health, the maintenance of order or public safety. I will admit that this motion is far-reaching.

There has been no comprehensive study of this issue in the Canadian Parliament since 1981. A report entitled "Obstacles" was prepared by a special committee of the House of Commons in 1981. However, the Senate has never examined this issue.

I do not want to forget the thousands of Canadians who, because of their physical handicap, have difficulty communicating and accessing public services. I feel it would be important for the Senate to examine this whole issue.

This motion is purposely targeted so as to have an ad hoc study of a serious problem that requires urgent attention. This motion concerns over 3 million deaf and hard-of-hearing Canadians, that is 10 per cent of all Canadians.

The Senate has never examined the issue of people with disabilities and their specific needs. It is high time senators took an interest in this issue and in the various means available from federally regulated services to help them. This is one of the many problems confronting a large number of Canadians.

Support for persons with disabilities is of vital importance to ensure their inclusion in the various segments of our society, including the labour market. Many persons with disabilities blame the lack of such services for their absence from the labour market and their failure to achieve their full social and economic potential.

The federal and provincial governments are not fully in compliance with the obligations set out by the Supreme Court of Canada in *Eldridge* concerning the provision of support services to persons who are deaf or hard-of-hearing.

The federal government could use taxation to a greater extent to provide support services to persons with disabilities.

As I said earlier, 10 per cent of Canadians are deaf or hard-of-hearing. Some have had hearing impairments since birth, while others become hard-of-hearing, to various degrees, because of an illness, an accident or aging. This is a growing problem in Canada for many reasons, including aging and exposure to increased levels of ambient noise. In my case, my loss of hearing is due to the side effects of medication that was prescribed to me several years ago.

I am very grateful to my honourable colleagues for being understanding and supportive, particularly for providing me with special equipment and the real-time captioning service that allow me to take part in debates in this place and in all committees. The benefits of captioning are such that I believe it should be made available to all Canadians. It is indeed possible today to provide this service to the deaf and hard-of-hearing. There are many benefits in education, for example, for reading, learning a second language or even one's mother tongue. Public announcements on health and security would be better understood.

[English]

Without assistance, most people who are deaf or hard-of-hearing cannot understand oral communications. They must rely on visual communications, either through sign language or written text such as captioning. Sign language can be taught early in life. It is more difficult for the elderly to learn. For some people who are hard-of-hearing, assistive listening device technology, ALD, such as FM, infrared or direct-wire sound systems, may be very effective. I have tried them all; they did not work for me.

Sign language and captioning are different methods of interpreting spoken language. Each language is distinct in that each has its own dictionary, grammar, spelling, accents and so on. Most real-time reporters were trained in one language. It would

be extremely difficult and complicated to train bilingual reporters. Maybe some day technology will be developed that will make it possible. Currently, computer voice or speech recognition, as we call it, is being researched, but it is still early in that process. We have a long way to go to reach a satisfactory solution. Of course, today computer-aided transcription and communication access real-time translation, what we call the CART system, is available and used. I use it regularly each day in the Senate. This laptop on my desk and the technology that I just mentioned allow me to read what I cannot hear. I am functional up to a certain point, but I am dependant on the reporters who have mastered real-time captioning technology. They are professional and efficient.

• (1630)

By the way, I returned from the West last week. I visited two post-secondary institutions. In Edmonton I visited the Northern Alberta Institute of Technology, and in Vancouver I visited Langara College. I met the students and professors, and I had a great experience in talking with these people and learning how difficult it is sometimes to master this technique.

Of course, I am lucky; I can read. What about the 25 per cent of Canadians who cannot read? There are still immense problems to be addressed, but that is not what a Senate committee can do.

The training of these reporters, as I just mentioned, is something that we should examine closely. There are serious problems facing us in terms of training and developing professional resources needed to supply real-time captioning. At this time there is no training available in French for our reporters. There are two schools out West, one in Vancouver and one in Edmonton. The Vancouver school, Langara, is closing next May for lack of money. They are short by a mere \$136,000. Yet they will close down an institution that is essential to many services.

As I said, the training is long and difficult. It requires people who are dedicated to service. They must understand what is needed and the medium in which they work, be it legal, political or educational. There are many needs for well-trained real-time reporters.

We are lucky here in the Senate in that we have an excellent staff for that purpose. We are the only institution of which I know that has this kind of system. We will have to convince the other place that it is the way to go in the future if they want to be serious about giving people continuous and real access to the debates of the Parliament of Canada.

There is a great fuss currently about the Quigley incident out east. Mr. Quigley is a New Brunswicker who complained to the House of Commons that he was getting his debates "in floor" — that is, as spoken in the House. He complained that as a unilingual person he was not able to understand when the proceedings were in French. He went to court, and he won because he is right. He is entitled by constitutional right to have access to the debates of Parliament.

The House of Commons is appealing that case in the Federal Court of Appeal. I do not wish to pursue this matter further, but I can tell you that they will lose. I will do my very best to try to make them understand that Canadians have the right to access the debates of Parliament in both official languages at all times.

[ Senator Gauthier ]



The CRTC adopted a policy in 1995 that all broadcasters must supply their programming with real-time captioning. They did not do so. Recently, the CBC English network adopted a policy that as of November 1, 2002, every program broadcast will be accompanied by captioning in real-time. Every Canadian now has access in English, but not in French. I do not think that is fair. There must be some changes here.

I believe that what I get as a service in the Senate through the real-time reporters is an effective and efficient service that meets with my needs at this time. I am hoping this motion will initiate a thorough discussion in committee because there are many other situations in which real-time captioning could be of service to Canadians.

Captioning on airplanes is one example. As I mentioned, I recently returned from Edmonton and Vancouver. If I want to sit and hear nothing about security on an airplane, it would be easy to do that. Monitors give visual presentation of the location of safety equipment and the safety directions. There is no provision for the deaf or the hard-of-hearing Canadian. Not only planes but also trains and buses have such monitors. I do not think that that is fair. I hope that the committee will discuss this matter. The numerous deaf Canadians should have access to these instructions as others have.

Honourable senators, I hope that the committee will do a study of this very urgent matter. There are millions of Canadians at this time needing attention. The Senate has a responsibility for regional interests as well as a responsibility for minorities. I happen to be part of one of the minorities, and I would ask honourable senators to look at this matter attentively.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

## ABORIGINAL PEOPLES

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Ione Christensen,** pursuant to notice of October 31, 2002, moved:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Ione Christensen,** pursuant to notice of October 31, 2002, moved:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic

media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## FOREIGN AFFAIRS

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE— ORDER STANDS

On the Order:

That the Standing Senate Committee on Foreign Affairs be empowered, in accordance with Rule 95(3), to sit at 6 p.m. on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** In regard to Motion No. 58, this item has been overtaken by events and should be removed from the scroll.

**The Hon. the Acting Speaker:** It is Senator Stollery's motion, and he must be here to make the withdrawal, so the order will stand.

Order stands.

• (1640)

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition),** for Senator Meighen, pursuant to notice of November 5, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-sixth Parliament and the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report no later than June 30, 2003.

Motion agreed to.

The Senate adjourned until Thursday, November 21, 2002, at 1:30 p.m.

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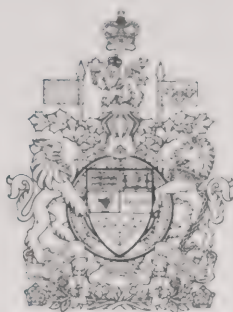
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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Thursday, November 21, 2002



THE HONOURABLE ROSE-MARIE LOSIER-COOL  
ACTING SPEAKER



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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, November 21, 2002

The Senate met at 1:30 p.m., the Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker) in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### OSTEOPOROSIS SOCIETY OF CANADA

##### TWENTIETH ANNIVERSARY

**Hon. Yves Morin:** Honourable senators, in 1981, Ottawa's Lindy Fraser was 87 years old. Her mind and spirit were strong, but her body was frail. Her bones were losing calcium and weakening due to osteoporosis. She saw the same thing happening to people she knew, so she founded a self-help group for osteoporosis patients. The following year, the Osteoporosis Society of Canada was born. It was the world's first national organization of its kind. Today, the Osteoporosis Society of Canada is 20 years old. It is committed to providing the highest quality services, education and research to help prevent and treat the disease.

[Translation]

We now know that strong bones give children and young adults better protection against osteoporosis. The Osteoporosis Society provides information on foods that are high in calcium and other nutrients, and recommends certain bone-strengthening exercise activities as well. It works with physicians and other caregivers in improving public knowledge of osteoporosis, its diagnosis and treatment.

Some 1.4 million Canadians suffer from osteoporosis. It costs the Canadian health care system about \$1 billion yearly in long-term care, hospitalization and chronic care, but our researchers are working to reduce that figure.

[English]

Dr. David Goldzman, Chair of McGill University's Department of Medicine, is a world-renowned scientist in the field of bone metabolism. His basic research will lead to effective treatments for this condition. His colleague at McGill, Dr. Alan Tenenhouse, has developed the multicentre Canadian observational study on osteoporosis to evaluate the prevalence and the incidence of osteoporosis and fractures in Canadians. This important five-year study should be completed this year.

November is National Osteoporosis Month, a time to commend the contributions Canadian researchers are making to prevent and treat the disease, to acknowledge the clinicians who work with osteoporosis patients, and to salute the patients, people like Lindy Fraser, who saw a need and jumped in to help.

Finally, honourable senators, let us raise a glass of milk to the hard-working volunteers of the Osteoporosis Society of Canada.

### ROLE OF REGIMENTAL HORSE

**Hon. Lowell Murray:** Honourable senators, my advocacy on behalf of Canada's national horse during the first session of the present Parliament elicited much interest and comment on the part of horse lovers. One such person is Mr. Tim Jonkman of British Columbia, who wrote to remind me of the inadequate recognition of the many horse regiments that went from Canada overseas to war.

Mr. Jonkman grew up in Holland, became a Canadian citizen at the age of 21, and tells of how his old grandpa would squeeze his hand when Canadian soldiers marched by in parades in Holland in the 1950s.

Mr. Jonkman is of the opinion that Dutch children are better taught and better informed about Canada's role than are kids growing up in Canada. The love of the horse, he says, is an ideal tool to connect Canada's war history to today's youngsters.

Many documents on this subject are buried in the National Archives. There was the war horse named Bunny that belonged to the Toronto Police Force, whose chief agitated for its return to Canada and to Toronto in 1919 — obviously, a very special horse.

Then there is the story recounted in the *Canadian Geographic* magazine of February-March 1983 by Mrs. Katherine Inkster Ferguson of how a team of little Canadian horses put French Percheron horses to shame in France during World War II by delivering a load the Percherons could not handle. There is the letter written by one of our most renowned veterans, LCol. John MacRae, M.D., to his mother on April 25, 1915, describing how the horses would gallop back and forth to the front to ensure a steady supply of ammunition to the soldiers.

The good old horses would swing around at the gallop, pull up in an instant and stand puffing and blowing, but with their heads up, as if to say, "Wasn't that well done?" It makes you want to kiss their dear old noses and assure them of a peaceful pasture once more.

Mr. Jonkman urges interactive displays of our equine heroes and their soldiers; a cavalry monument to Canadian soldiers and their steeds; and tours of Canadian schools by the historic horse regiments to illustrate Canada's historic past.

Among the First World War paintings that adorn our Senate chamber, I draw to the attention of honourable senators the painting second from the south end, over the government benches. It is titled: *A Mobile Veterinary Unit in France*. The painter was Algernon Talmage. The notes about it state that:



The mobile veterinary units were part of the Canadian Veterinary Services and worked in the field to collect and give first aid to wounded, sick or overworked animals before transporting them by train to base hospitals.

I thank Mr. Jonkman for drawing this to my attention, and I am pleased to be able to share his views with honourable senators.

### NATIONAL CHILD DAY

**Hon. Landon Pearson:** Honourable senators, yesterday was National Child Day. I would have spoken then, but there were others before me. Never mind, we should be thinking about children every day, not just once a year. Today is just as good as yesterday.

I am delighted to report that there was a fine celebration of children and young people yesterday, both in the Senate foyer and in the chamber, to mark the day. If any honourable senators were inconvenienced by the bustle, I do apologize; however, I am hopeful that, for the sake of the children and for the future, you will rejoice, as I do, not only in the energy and commitment of the children present, but also in all the others who were there to support the children.

Let me take this opportunity to express my heartfelt thanks to all members of the Senate staff who were so helpful in making the arrangements.

Ensuring that young people and their significant adults feel welcome in the Senate benefits all of us. The 250 or so young people who were here will never forget the experience of being in the chamber, where, surrounded by our great paintings of the First World War, they heard LGen. Romeo Dallaire call them to a life of service and engagement.

The message for National Child Day this year is based on the vision presented last May at the United Nations by children and youth, a vision they entitled: "A World Fit for Us." During the course of the celebration yesterday, Laura Hannant, a young girl from Ottawa, one of those who helped to write "A World Fit for Us," led a partnership of adults and young persons in reading the document aloud, in both French and English, to a chamber full of people.

Honourable senators, it is important to celebrate National Child Day not only this year, but also every year. Let me remind honourable senators that when Senator Fairbairn moved second reading of Bill C-371, the Child Day Act, in 1993, she urged her colleagues, many of whom are still in this chamber, to accept the challenge it represents to create a Canada where all children have the same rights and opportunities as one another, no matter what their circumstances, to build their dreams into a future.

Honourable senators, nine years later, that challenge is still before us. As the events yesterday morning clearly demonstrated, children and young people cherish our partnership with them as they are making their way into the future.

### REMOVAL OF CAPITAL TAXES

**Hon. Donald H. Oliver:** Honourable senators, this is the time of year when pre-budget consultations are taking place. It is a time to reflect on needed tax changes; it is a time when individuals, groups and committees make known some of their concerns to the Department of Finance. I rise today to urge the Government of Canada to remove capital taxes.

Honourable senators, capital taxes have been called the worst of any taxes that we have. A tax placed on capital is the most regressive form of tax. Such a tax hurts productivity and punishes those who invest in industry. A capital tax attacks the profitability of corporations.

A recent Ernst & Young study on the subject of capital taxes indicated that business organizations, high-tech firms in a growth phase and companies with significant research and development costs could end up in loss situations because of capital taxes.

Capital taxes are levied on capital employed in Canada by Canadian corporations. Every dollar spent on plant, machinery and equipment becomes part of the base for capital tax. Capital taxes are like an excise tax levied on the purchase for investments.

When the manufacturers' sales tax was removed from capital, gross national product grew by 1.4 per cent. The same growth could be expected through the removal of capital taxes. This growth could be even greater, as these taxes are levied and paid annually. A cumulative effect would result from the elimination of this tax.

The capital tax is a specifically regressive tax for our financial institutions, as they are required by law to preserve a capital fund. Surely the taxes paid on capital from our financial institutions could be more productively used as business loans, generating investment and generating jobs.

In conclusion, honourable senators, in a time when we all refer to the state of the economy or the global marketplace, Canada can no longer afford to be out of step with the rest of the industrialized world. Canada must no longer be an anomaly among the countries seeking to attract investment dollars.

### CANADA-UNITED STATES RELATIONS

**Hon. Gerry St. Germain:** Honourable senators, it is reported in today's *National Post* that members of the Canadian delegation in Prague at the NATO meeting are quoted as calling the President of the United States a "moron" for his stance on Iraq.

The government may wish to reflect on the contributions and efforts of our friends to the south to building a relationship that is a true duality. Despite the many differences that make each of our countries truly distinct, we are really one people committed to democracy, peace and freedom. At the same time, we feel no threat to our own national identity. On either side of the world's longest undefended border live people who are proud of their own countries, but who are still unconditionally willing and able to depend on each other in times of need.

Despite our differences in geographic size and strategic positioning, we are equals in the eyes of each other. There is no mirror at the border, only one huge open window through which the freedom light shines as the warm light of opportunity.

Honourable senators, I believe we Canadians are the most privileged people on earth to live in a country that shares a long and wondrous North America frontier separated only by an undefended and often invisible geographic borderline with the peaceful God-fearing, freedom-loving, enterprising, compassionate and patriotic people of the United States of America.

We look south and see people just like us, people who are proud of their history and identity and who are willing to defend us against threats to our sovereignty. Americans are willing to open their borders to free and relatively unfettered trade and to welcome us to their homeland without discrimination.

Close to my home in British Columbia stands the Peace Arch, one of the most majestic icons of the wonderful coexistence of our two nations. That unity has often seen our people fight side by side in trenches and on battlefields, in wars that we fought together to preserve democracy and to ensure freedom.

President Reagan said it best in 1985:

We are kin, who together have built the most productive relationship between any two countries in the world today.

I urge all honourable senators to encourage the government to stop attacking our best supporter and to work diligently to restore the great relationship we enjoyed only a few years ago.

#### MISTAKE ON ALLIANCE PARTY WEB SITE

**Hon. J. Michael Forrestall:** Honourable senators, somewhat with tongue in cheek, I draw the attention of colleagues to the following item found posted on the Web site of the Canadian Alliance, on their "Newsroom" page, under "Indian Affairs and Northern Development" — the department that is charged with responding to the needs of Canada's First Nations people, is it not?

**Senator Stratton:** That is correct.

**Senator Forrestall:** However, on the Canadian Alliance Web site, one will find a reference to members of the Canadian Alliance meeting with Indo-Canadians to mark the fifty-fifth anniversary of India's independence.

That event obviously had to do with the independence of India, and not the independence of Indian Affairs and Northern Development.

#### SECURITY WITHIN PARLIAMENTARY PRECINCT

**Hon. Marcel Prud'homme:** Honourable senators, I wish to thank Senator Kinsella for his generosity yesterday when he proposed that I be named as "Director *Emeritus*" of security. This gesture shows a civility of Parliament that was so nicely concurred with by the Honourable Leader of the Government in the Senate, a friend whom I have known since her time as a teacher in

Alberta, when I spoke to her students, even prior to her time in Manitoba. We go back a long way.

On a serious note, I wish to address the subject of security. There are many people who, as a result of events like the one earlier this week, lose their nerve and say that we should embark on a new kind of total security on Parliament Hill. I know that topic is being discussed at many meetings these days. I would not wish to see the Senate excluded from these deliberations, and I would also not wish any future decision to be taken in the absence of consultation with the Senate.

• (1350)

I should like to advise Senator Carstairs, Leader of the Government in the Senate, that after having sat for many years on the Management and Members' Services Committee in the other Chamber and having had a good relationship with the security staff there, if volunteers are needed for that committee, I would be more than happy to serve and report faithfully to the Senate. However, we should not panic and make changes that will affect the Senate and our traditions in the wake of this sad incident of two days ago.

[Translation]

### ROUTINE PROCEEDINGS

#### CLIMATE CHANGE PLAN FOR CANADA

TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the document entitled: "Climate Change Plan for Canada."

[English]

#### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

##### FOURTH REPORT OF COMMITTEE PRESENTED

**Hon. Lorna Milne,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, November 21, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

##### FOURTH REPORT

1. Pursuant to its authority under rule 86(1)(f)(iii), your Committee is pleased to report as follows:

[ Senator St. Germain ]



2. On October 23, 2002, Senator Lowell Murray, P.C., raised a question of privilege in the Senate regarding the announced intention of the Standing Committee on Social Affairs, Science and Technology to deposit a report with the Clerk of the Senate on Friday October 25, rather than tabling it on a day when the Senate was sitting. The Speaker *pro tempore* made her ruling on October 24, in which she stated that there was no *prima facie* question of privilege because the Senate had granted permission to the Committee to deposit any report with the Clerk without qualification.

3. Senator Michael Kirby, the chair of the Committee, in responding to Senator Murray's question of privilege on October 23, suggested that there were a number of issues related to the practice of depositing committee reports with the Clerk that needed clarification and that it would be useful to have the matter studied by the Standing Committee on Rules, Privileges and the Rights of Parliament.

4. Your Committee considered this matter at meetings on Tuesday, November 5, 2002, Wednesday, November 6, and Tuesday, November 19, during which, various concerns, issues and considerations were canvassed.

5. Your Committee notes that there are two ways to get a report before the Senate: presentation and tabling. Reports that are *presented* to the Senate — where the Senate is required to take a further decision in respect of the report, such as bills, committee budgets or requests from committees for certain powers — should never be deposited with the Clerk, but should always be provided to the Senate during a sitting. On the other hand, reports that are *tabled* — essentially reports for the information of the Senate, which would include substantive reports on special studies — can, in exceptional cases, be authorized to be deposited with the Clerk.

6. The general principle is that committee reports must be provided to the Senate before they can be released to the public and media, or otherwise made available. This is based primarily on the pre-eminent right of the Senate to have reports of its committees tabled or presented and made available first to its members prior to being released to the general public. At the same time, it is in the interest of the Senate that the important work of its committees gets the widest public exposure, and, in this regard, committees have been required for several years to develop communications strategies in connection with their studies and reports. The usual right of the Senate to receive reports first and the demands of publicizing committee reports are not mutually exclusive, although, on occasion, they may need to be reconciled. The

authority to deposit reports may also be useful during lengthy adjournments in the summer and winter or in anticipation of a prorogation or dissolution of Parliament, to ensure that the work of the committee is not lost or unduly delayed.

7. Your Committee makes the following recommendations:

That since the authority to deposit a committee report with the Clerk can only be granted by the Senate, in determining whether to agree to such an authorization, all Senators should be made aware that they are waiving their right to have the report tabled first in the Chamber, and should, accordingly, consider such motions carefully;

That in developing communications strategies for the release of committee reports, all committees must take into account that reports should first be tabled in the Senate before being released to the media, unless there are compelling reasons to do otherwise;

That motions authorizing the deposit of a report with the Clerk should not be made as part of a general order of reference to a committee, but, rather, the motion authorizing such deposition should be moved as close to the reporting date as possible, by which time the sitting schedule of the Senate is more likely to be known and a communications strategy will have been developed;

That, in proposing such a motion, the Chair of a Senate committee has the responsibility to advance compelling reasons and arguments as to why the Senate should depart from the requirement for the tabling of a committee report in the usual way;

That, in any event, when authority is given to a committee to deposit a report with the Clerk, it is incumbent upon the Chair, in consultation with members of the steering committee and staff, that they be required to ensure that all Senators are provided with advance notice of the impending tabling; copies of the report are released immediately upon its being deposited; and information on the report is made available at the earliest opportunity — by means of electronic distribution, briefings, and so forth.

Respectfully submitted,

LORNA MILNE  
Chair

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

## PHYSICAL ACTIVITY AND SPORT BILL

### REPORT OF COMMITTEE

**Hon. Marjory LeBreton**, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, November 21, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

### FOURTH REPORT

Your Committee, to which was referred Bill C-12, *An Act to promote physical activity and sport*, in obedience to the Order of Reference of Wednesday, October 23, 2002, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MARJORY LEBRETON  
Deputy Chair

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### OPERATION APOLLO—LENGTHENING OF TROOP DEPLOYMENT PERIOD

**Hon. J. Michael Forrestall:** Honourable senators, I have a couple of brief questions for the Leader of the Government in the Senate.

Might I ask the Leader of the Government whether current considerations are being given to lengthening the rotations of the national support element in theatre for Operation Apollo from its current status — and that does vary a little bit — to a one-year deployment period? I am sure the minister would agree that this is pushing the length of time we would expect our families to be separated. That disconnect is hard to overcome. I am sure the minister appreciates that fact. Has the minister any indication that this may happen? If so, can she give us an indication of how we might have arrived at that conclusion?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator asks an important question in light of what we would all regret, which would be a decision on behalf of the United Nations that it would be necessary to go to war with Iraq. The honourable senator is talking about those men and women who are presently serving in, basically, what one calls that theatre. No decisions have been made at this time. There is, however, an examination of all of the troops and where they are

located at the present moment because we do not know the time frame.

Regarding the actual rotations, as the honourable senator knows, some personnel have already been rotated, some ships have returned, others have gone over, and that remains the status at the present time.

#### AFGHANISTAN—DEPLOYMENT OF JOINT TASK FORCE 2 TROOPS

**Hon. J. Michael Forrestall:** Honourable senators, it goes without saying that Canadians far prefer to see their forces, men and women, kept away no longer than six months. However, I understand the difficulties surrounding that issue.

We note that the Australians have recalled their special forces from Afghanistan and have indicated clearly that the purpose is to prepare them for an assignment in Iraq. Can the minister tell us if JTF2 participation has been withdrawn from Afghanistan? Are they at home, on their way home or about to come home for similar preparation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that the JTF2 component that is presently in Afghanistan remains there. As to any other deployment of other JTF2 troops, that would have to be based on events that might transpire.

## CANADA-UNITED STATES RELATIONS

### DISPARAGING REMARKS TOWARD PRESIDENT

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. It relates to this morning's *National Post* story about President Bush, NATO and dealing with Iraq. It refers to the statement I just made as well. Can the minister tell us when our foreign relations policy or diplomacy practices was changed such that we now are foolish enough to refer to our neighbour, best friend and biggest trading partner as a moron?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let us be honest. The story is that someone may have made this comment. Certainly no member of the Chrétien government made that comment. Sometimes people act and say things that they regret later. There is an old saying that "sticks and stones can hurt my bones but names will never kill me." In fact, I believe it is inappropriate for people to make disparaging remarks about one another, and I do not think it does either side any good for those kinds of comments to be made.

• (1400)

**Senator St. Germain:** Honourable senators, I believe the honourable senator when she says she is sincere in her statement. However, I heard what I believe was a Liberal senator saying "He is," when I used the word "moron". It is disgraceful and unacceptable that, in this place, we should be referring to perhaps our best friend, our greatest ally, our biggest trading partner in that fashion at all, and I hope the honourable Leader of the Government in the Senate would agree with me.



**Senator LaPierre:** Most of the time —

**Senator St. Germain:** Yes, it is you; I know it is you, senator, who referred to Mr. Bush as a moron. If that is the way you want to conduct yourself as a Canadian, I must tell you that it does not reflect the general opinion in the region that I represent.

## INTERNATIONAL TRADE

### RENEWAL OF SOFTWOOD LUMBER AGREEMENT

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate with respect to the ongoing trade negotiations in relation to the softwood lumber issue. Can the honourable senator enlighten us as to what is being done to improve this situation at the present time?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let me begin with a comment. What I have always found most refreshing about the Senate chamber is the degree of civility that prevails on all sides, and is practiced by all members of this particular institution. I would recommend it not only to the other place but to Canadians generally in terms of our manner of speech and decorum.

In relation to the Honourable Senator St. Germain's question on softwood lumber, this file remains an extremely important one to the Government of Canada. However, as the honourable senator is aware, some elections have taken place recently south of the border, and that will bring about some changes in their Senate committees, effective as of January. Some of those new committee members will need to be brought up to speed. My understanding is that the government feels that things might progress a little more quickly from now on.

As the honourable senator is aware, Weyerhaeuser, which has been a long-term supporter of the Canadian position, has put forward a new position. It seems to me that negotiations always work best when they are aided and abetted by those whose primary economic base is in the United States. They can lobby effectively on behalf of Canada while we, too, are lobbying effectively on behalf of Canada.

## CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

### PROPOSAL TO PROVIDE EQUITY FINANCING AND LOAN GUARANTEES

**Hon. Donald H. Oliver:** Honourable senators, my question is to the Leader of the Government in the Senate. Earlier this month, it was reported that within the next few weeks CIDA, the Canadian International Development Agency, will announce a new financial institution to help finance exports by small- and medium-sized businesses in developing countries. The expected initial seed money will be \$100 million. One argument CIDA is using is they can earn a return of seven per cent a year. However, through access to information, we learn that the Department of Finance opposes this proposal, arguing that it would not be advisable for CIDA to be involved in any sophisticated financing such as a joint venture through equity participation loans or guarantees, since CIDA exposes lack of knowledge of the basic financial concepts, terminology and methodologies.

Honourable senators, could the government leader advise the Senate as to why the government is about to give CIDA

\$100 million to get involved in equity financing and loan guarantees when it lacks the knowledge of basic financing concepts, terminologies and methodologies?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, no decision has been made on this file and, therefore, I cannot comment.

**Senator Oliver:** Perhaps the minister could note, in the deliberations that are ongoing, that we already have an Export Development Corporation, we have a Canadian Commercial Corporation and we have the Federal Business Development Bank. Do we need to have another bank run by CIDA?

**Senator Carstairs:** That is an interesting position that the honourable senator has put forward, and I will assure him that my colleagues will be made aware of that position. However, as I indicated earlier, no decision has been made on this matter at this time.

## HEALTH

### RED CROSS SOCIETY—COMPENSATION TO ALL VICTIMS OF TAINTED BLOOD

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate. Honourable senators, almost five years ago now, Justice Krever recommended that all victims of the tainted blood scandal be compensated. Sadly, the government ignored Justice Krever's recommendations and implemented a two-tiered compensation system for those victims who became ill from tainted blood received outside of the 1986 to 1990 period, and who were therefore ineligible for federal compensation.

Yesterday, the RCMP laid charges of criminal negligence causing bodily harm against four doctors, some of whom work for Health Canada, as well as the Red Cross and a U.S. pharmaceutical company. The government has argued that compensation could only be awarded to victims in the 1986-1990 period because it was only during that time that governments were negligent.

In light of the RCMP charges, which the government leader will undoubtedly point out are just charges — and that is true — can the Leader of the Government in the Senate tell us why it would not be the right thing to compensate all victims of the tainted blood scandal?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator has answered her own question: As she has said, these are charges, and as she knows, one of the cornerstones of the Canadian judicial system is that individuals are innocent until they are proven guilty. Until the charges have been laid and the judicial process has taken place, it would be inappropriate to speculate on what the outcome will be.

**Senator LeBreton:** Honourable senators, my point is that the fact that these charges have been laid should not take away from the actual compensation of the victims. In other words, I do not think that compensation of the victims should be connected to the charges. They should be compensated because they are victims of tainted blood.

However, in view of that, can the Leader of the Government in the Senate tell us how many victims of the tainted blood scandal there are at the present time who are not eligible for compensation because they contracted their illnesses outside of the 1986 to 1990 period of time? Has the government estimated what the cost would be to compensate these Canadians, as was recommended by Mr. Justice Krever?

**Senator Carstairs:** I can indicate two things this afternoon: The Government of Canada has paid \$875 million to fulfil its financial obligations to claimants under the 1986-1990 Hepatitis C agreement. Funds are still available, of course, up to \$1.4 billion. The \$900 million that remains is in a trust for those individuals.

In addition, a plan was put in place committing \$525 million for individuals infected with hepatitis before 1986. That amount has been put aside for their particular health needs.

## AGRICULTURE AND AGRI-FOOD

### DECLINE IN NUMBER OF FARMERS

**Hon. Leonard J. Gustafson:** Honourable senators, statistics have crossed our desks in the last few days indicating that the farm population, or farmers engaged in farming, has dropped by 16 per cent in some of the provinces such as Saskatchewan. In Prince Edward Island, I believe, the number is even higher. Over the last half dozen years, about 35 per cent of farmers are no longer farming.

Does the government not realize that this is a very serious situation, that we are losing our young farmers, particularly those under the age of 35, and that something should be done about it?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, there is no question that we are losing our young farmers. It is true, generally, of those who live in rural communities throughout this country, whether or not they are farmers: There has been a greater and greater movement to urban centres in Canada away from rural communities.

Those who depended in the past for their living on the natural resource sector, of which farming is one and fishing another, in which they were usually following in their father's or mother's footsteps, it seems are no longer choosing to do so and, instead, are pursuing other occupations. Some of that is a natural result of demographics. In Western Canada, however, some of it is as a direct result of the fact that farmers have not done well, and have been subject in recent years to a number of natural disasters. That has certainly brought it home to the young people that they do not want to go through the stress that they see their parents going through, and so they are choosing alternative occupations.

• (1410)

As the honourable senator knows, the government has made significant monies available to the farm community. It continues to do what it can, along with its partners at the provincial level, to help the farming community.

[ Senator LeBreton ]

## SAFETY NET PROGRAMS

**Hon. Leonard J. Gustafson:** Honourable senators, the Leader of the Government mentioned fisheries. Those in the fisheries have probably suffered as much as or, perhaps, more than farmers. Swedish and Russian trawlers have swept clean the ocean bottom. I am not an expert in fisheries, but that is what has happened.

The reason for my question is this: Will we see the same thing that happened to fishermen happen to farmers? These people provide food. We will need some young farmers one of these days and we will not have them. The safety nets have not been put in place.

In fact, earlier today I was talking to Bob Friesen who is the President of the Canadian Federation of Agriculture. There is great concern that the safety nets for agriculture will not be in place by spring seeding. Will the leader look into this serious situation which is most important not only for farmers but for all Canadians?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator makes reference to safety nets on which the government is working. Since the honourable senator is an active farmer himself, he must be well aware that it is not the government alone that brings about the appropriate delivery of a safety net program. That involves the participation of the provinces and the farmers themselves, as it should. They must work cooperatively together. I will certainly urge, however, the Minister of Agriculture to move as quickly as he can on this file.

## THE CABINET

### COMPENSATION TO UKRAINIAN COMMUNITY FOR PROPERTY CONFISCATED DURING WORLD WAR I

**Hon. Consiglio Di Nino:** Honourable senators, my question is addressed to the Leader of the Government. For a number of years the Ukrainian community has been seeking redress for assets that were taken away from them during the First World War, days which were dark and ugly for that community. They have been asking the Government of Canada for restitution of the assets that were confiscated at that time. Will the minister tell us of the government's position on this issue?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, members of the Ukrainian community who were Canadian citizens at that time have certainly indicated their dissatisfaction, and appropriately so, at some of the activities that went on as a result of World War I. In terms of compensation, however, I can assure the honourable senator that, while the arguments of the claimants have been put before government, no decision has been made.

**Senator Di Nino:** Honourable senators, I believe the minister used the word "compensation." I do not think that is the proper word to use in this case. I do not think members of the Ukrainian community are looking for compensation. I believe they are looking for restitution of the assets that were seized by the Government of Canada. Canadians of Ukrainian background had their homes and lands seized.



Does the minister not feel that, under those circumstances, the Government of Canada should entertain the return of the appropriate value of those assets that were seized at that time? I am not talking about compensation or other financial considerations.

**Senator Carstairs:** Honourable senators, the very fact that the honourable senator mentioned value is recognition of the fact that homes and lands cannot be restored because they have long been held by other individuals. Thus, the honourable senator is talking about value. If one talks about value, then one is talking about compensation.

#### UNVEILING OF OFFICIAL PORTRAIT OF THE RIGHT HONOURABLE MARTIN BRIAN MULRONEY

##### SECURITY BREACH

**Hon. Gerald J. Comeau:** Honourable senators, my question is addressed to the Leader of the Government in the Senate and relates to the incident that occurred during the unveiling of Prime Minister Brian Mulroney's portrait on Tuesday.

We have now learned that the person in question visited the office of a minister's senior assistant and was apparently escorted to the ceremony by someone with a House of Commons pass. Given our proximity to the other place, will the minister assure us that the investigation of this serious breach of security will be made public so that all of us can be made aware of what happened? In that way, we on this side of the Parliament Buildings will be able to make known our comments on what happened.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that the Liberal whip of the other House is investigating this incident and will make a report. If that report is made public, then I will share it with honourable senators. If, for some reason, that report is not made public, and I do not understand why it would not be made public, then I will ensure that the leadership on the other side knows exactly what occurred.

**Senator Comeau:** Honourable senators, I hope that the minister will use her good offices and the powers that she has as a sitting minister to ensure that this report is made public. As well, I hope that she will use her considerable powers as a minister to ensure that if, in fact, an employee of the House of Commons did use his or her employee's pass, she will see to it that this employee's pass be revoked as well as the employee's employ?

**Senator Carstairs:** Honourable senators, before we have conducted an investigation it would be irregular for me to make an announcement of that sort.

We, in this chamber, often receive phone calls in our offices telling us that we have a visitor waiting at the entrance of the building. We then go down to the entrance and escort that person in. They are given a pass and go through the appropriate security systems. To the best of my knowledge, they are not escorted out of the building. I suspect that is the case when the honourable senator receives visitors in his office.

I think we need to find out what the procedures were and how they were followed before we make any judgments about what penalties should be put in place.

**Senator Comeau:** Honourable senators, I thank the honourable minister for reminding us that we do receive visitors in our offices and that we are mindful that they are just that, visitors to Parliament.

I am going by the press reports. We will have to wait for the completion of a full investigation. However, this ceremony on Tuesday night was an invitation-only ceremony. It was attended by the Prime Minister of Canada. We have to ensure that this person is kept secure because there are individuals who might wish to cause harm to him, to our ministers and even to our former prime ministers.

If this person was escorted by an employee with a pass to an invitation-only ceremony, then that employee should not be allowed to keep his or her employment on the Hill. It was a haphazard way of treating visitors.

**Senator Carstairs:** Honourable senators, I am not sure it was a haphazard way of treating a visitor. It was a haphazard way of breaching security. Let us be clear about that.

Honourable senators, in my view, we have a secure set of buildings. We do take individuals through the security systems in this place and in the other place.

However, I would not want visitors to be kept out of this building, nor would I want them not to have access to events such as Question Period. The reality is that the Prime Minister walks, of his own free will, through the corridors of this building, as do we all. I would not want to see any limitation put on that kind of movement.

The honourable senator has raised serious issues — and I do not want to diminish them at all — about what happened and about whether we need to increase security here. I maintain the position that until we know exactly what happened, we should not be prejudging the situation.

*[Translation]*

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in this house, a response to a question raised in the Senate on October 31, 2002, by Senator Forrestall, regarding the FSME-Immun Vaccine for Tick-Borne Encephalitis.

#### NATIONAL DEFENCE

##### FSME-IMMUN VACCINE FOR TICK-BORNE ENCEPHALITIS—ASSESSMENT OF INOCULATED TROOPS TO DETERMINE PRESENCE OF CREUTZFELDT-JAKOB DISEASE

*(Response to question raised by Hon. J. Michael Forrestall on October 31, 2002)*

I can assure the Honourable Senator that we do not deploy Canadian Forces personnel on any operations without effective protection — including protection from potentially fatal diseases such as Tick-borne Encephalitis and malaria.

The Canadian Forces has used the Tick-borne Encephalitis vaccine since 1991 and will continue to do so where reasonable and appropriate.

The Tick-borne Encephalitis vaccine is recommended by credible public health agencies such as the World Health Organization, the United States Centers for Disease Control and Prevention, and Health Canada for travellers going to areas where contracting Tick-borne Encephalitis is a real risk.

The Canadian Forces Medical Group assesses all the medical risks that personnel may face on operations. Based on this assessment the Medical Group determines which vaccines and drugs are required.

In the case of the troop deployment to Georgia, the Canadian Forces Medical Group determined that based on troop location they would not be exposed to Tick-borne Encephalitis. Therefore, the risk of exposure to the disease did not warrant the use of the vaccine and our personnel were not inoculated.

#### ANSWER TO ORDER PAPER QUESTION TABLED

##### VISIT OF HER MAJESTY THE QUEEN— FLAGS ALONG CEREMONIAL ROUTE

**Hon. Fernand Robichaud (Deputy Leader of the Government)** tabled a response to Question No. 4 on the Order Paper asked on October 23, 2002 by the Honourable Senator Kenny.

[English]

#### POINT OF ORDER

**Hon. Lorna Milne:** Honourable senators, I rise on a point of order. During his statement about honouring horses, Senator Murray drew the attention of the Senate to the war paintings that are displayed in this room. The late Senator Molgat had several of these paintings restored, but not all of them. These paintings are all national treasures. Unfortunately, the one to which Senator Murray drew our attention either has been inadequately restored or has not been restored at all. Honourable senators will notice that there are chips of paint missing from the painting of the horses by Algernon Talmage.

Although this may not be a proper point of order, honourable senators, I want to draw the attention of the Senate to the condition of this painting.

### ORDERS OF THE DAY

#### EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

##### SECOND READING—DEBATE ADJOURNED

**Hon. Nick G. Sibbeston** moved the second reading of Bill C-14, providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the

export of rough diamonds in order to meet Canada's obligations under the Kimberley Process.

He said: Honourable senators, it is my pleasure to speak to the second reading of Bill C-14.

By way of background to the bill, it is important to understand the international concern that persists about the link between the illicit international trade in rough diamonds and armed conflict, particularly in Angola, Sierra Leone and the Democratic Republic of Congo. While "conflict diamonds" constitute a very small percentage of international diamond trade, they have a devastating impact on peace, security and sustainable development in affected countries.

The Kimberley Process is the principal international initiative established to develop practical approaches to the conflict diamond challenge. Launched in May 2000, the process was initiated by several southern African countries in response to growing international pressure to address peace and security concerns, as well as to protect several national economies in the sub-region, including Namibia, Botswana and South Africa, that depend on the diamond industry.

The Kimberley Process, which is chaired by South Africa, now includes 48 countries involved in producing, processing, importing and exporting rough diamonds. These countries account for 98 per cent of the global trade in the production of rough diamonds and include all of Canada's major diamond trading partners. Canada has participated in the Kimberley Process since its inception. Over the course of nine plenary sessions and three ministerial meetings, the process has developed an international certification scheme for rough diamonds. In March 2002, Canada hosted a meeting of the Kimberley Process that achieved consensus on the scheme. Earlier this month, the participating countries met in Switzerland and renewed their commitment to the certification scheme and to the target implementation date of January 1, 2003.

Honourable senators, in Canada, the diamond industry is a relatively new industry. Our first commercial deposit was discovered in the Northwest Territories in 1991. BHB Billiton's Ekati mine, 300 kilometres northeast of Yellowknife, has been in operation since 1998. The nearby Diavik mine will begin operation in 2003, and two more mines in the region, one in the Northwest Territories and one in Nunavut, are likely to be operating in 2007. Annual production from these mines could reach \$1.6 billion, and they are expected to generate about 1,600 direct jobs and an additional 3,200 indirect jobs.

Last week, I had the opportunity to visit the Diavik mine site. It is a marvel of human engineering, built at a cost of \$1.3 billion. It is huge. In order to reach the diamond deposit, it was necessary to build a large, 6.6 kilometre dike and drain a portion of a huge lake. The ore body, called a Kimberlite pipe, is only 150 metres across, but it extends deep into the earth. Using eight 240-tonne trucks, each costing \$5 million, they will begin digging a conical pit one kilometre wide and spiralling over 300 metres deep to extract the ore. That ore will be processed on-site, turning

[ Senator Robichaud ]



hundreds of thousands of tonnes of rocks into suitcases filled with diamonds. The plant is automated so that human hands never touch the diamonds — for obvious security reasons — and it can be operated by six workers.

During the life of this one mine, over \$3 billion will be generated for governments in the form of taxes and royalties. Most of this will benefit the federal government. As the Northwest Territories is still a territory, the resources and lands are still controlled by the federal government.

The Ekati and Diavik mines are more than engineering miracles; they are economic miracles. Because of them, the Northwest Territories gross domestic product increased by more than 20 per cent last year. More practically, these mines have taken a new approach to partnership with northern and, particularly, Aboriginal businesses. In addition to employing hundreds of northerners directly at the mines, they have helped many northern Aboriginal businesses set up or increase their capacity through joint ventures and other participation processes.

The North is not the only beneficiary of this activity. Literally tens of thousands of person years of employment have been created in Ontario, Quebec, Alberta and British Columbia as a result of the diamond mines. Active diamond exploration is pointing to the prospect of additional mines in the Northwest Territories and Nunavut. Exploration has also been undertaken in Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Newfoundland, and this could lead to diamond mines in these provinces.

The diamond mining industry is growing. By 2011, it is expected that Canada will rank third globally in terms of the annual value of rough diamond production, after Botswana and Russia.

In addition to diamond mining, a small diamond cutting and polishing industry has grown up in Yellowknife, with over 50 cutters and polishers now. Tiffany & Co. of New York announced this fall that in the New Year it will construct a new plant in Yellowknife. These operations have an important training component that includes a number of Aboriginal apprentices. There is also an expanded facility with a training program in Matane, Quebec.

Both the mining industry and the diamond cutting and polishing industry are dependent on access to export markets, which are dependent on Canada's participation in the Kimberley Process.

The proposed international certification scheme includes a requirement that all shipments of rough diamonds imported to or exported from Canada be certified under the scheme and it bans trade in rough diamonds with countries that do not participate in the scheme.

Bill C-14 establishes the trade regulation regime necessary to participate in the Kimberley Process rough diamond certificate scheme. It provides the necessary regulations to produce the certificates without which Canada could not participate in the international trade of diamonds.

• (1430)

Honourable senators, this bill provides the authority to verify that natural, rough diamonds exported from Canada are non-conflict diamonds. It also gives the authority to verify that a Kimberley Process certificate accompanies every shipment of natural, rough diamonds entering Canada from the exporting country, certifying again that the diamonds have a non-conflict source.

There is provision in the bill for monitoring the effectiveness of the certificate scheme with a review of the provisions and operation after three years. For the review, the Minister of Natural Resources has indicated that he intends to consult with the stakeholders in the process, especially the NGOs who have been involved in the Kimberley Process from its early stages, such as Partnership Africa Canada and members of the industry, including diamond exploration and producing companies, and cutters and polishers. The result of this review will be reported back to Parliament.

Honourable senators, both the mining industry and the diamond cutting and polishing industry are dependent on access to export markets and, therefore, on Canada's participation in the Kimberley Process. Passage of Bill C-14 will put in place all of the authorities required for Canada to meet its commitments under the international Kimberley Process. The early passage of Bill C-14 will ensure that these authorities are in place by year-end when the process is planned for international implementation.

In conclusion, honourable senators, I ask for the support of all members of the Senate in passing this important bill in order that Canada can be in a position to implement the Kimberley Process in concert with our global partners.

On motion of Senator Bolduc, debate adjourned.

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Herbert O. Sparrow:** Honourable senators, I wish to speak to the motion before the chamber. I will preface my remarks first so that I am not caught later. I wish to reassure honourable senators of what they already know, which is that I am not an expert on the Criminal Code or the Parliament of Canada Act, nor am I an expert on the *Rules of the Senate*, the Constitution or the common law. These things I have cited are items that would be affected by this motion for an ethics package.

Further, I wish to state that I am not in agreement with blind opposition to progress but with opposition to blind progress. Perhaps we are blinded by the fact that we think we are making progress. The motion before us for an ethics commissioner means that we have been caught in a web of someone else's making; namely, a concern over conflict of interest which has not and does not affect us.

If there is a concern over conflict of interest or poor parliamentary procedure, then the concern is with the cabinet of the government of this country, not with members of the Senate. I am not speaking for the members of the House of Commons. Somehow or another honourable senators are caught up in this web that lumps us all together.

This code of conduct proposal reminds me of the Minister of Agriculture who visited the province of Saskatchewan and returned to Ottawa apparently as an expert in farming. The statement he made was, "All farmers walk single file, at least the one I saw did." When we look at this issue, we are blanketing everyone in this web.

There is another illustration that I can provide. I was walking down the street not long ago and saw a chap snapping his fingers. I stopped him and I asked, "Why are you snapping your fingers like that?" He responded, "Well, it is to keep the elephants away." I said, "Are there elephants here?" He said, "No, there are not. That is why it is working."

**Hon. Senators:** Hear, hear!

**Senator Sparrow:** When we propose amendments to the act, we will be caught in this web. Some people will say, "See, I told you it worked. There is it no conflict of interest taking place." There was no conflict of interest before, so why would there be conflict of interest now? All we are doing in this process is snapping our fingers.

The Senate's rules protect the citizens of this nation, as do the Criminal Code, the Parliament of Canada Act, the Constitution and the common law. What are we doing bringing another set of guidelines when we are controlling ourselves within those parameters?

In my time in this place, no issues have arisen that would prompt such action to be taken by this chamber. If examples could be given underlining where we have to avoid these sorts of issues, then that would be one thing. However, we cannot adjudicate upon issues that may come before us in the future when we know nothing about them at this time.

Honourable senators are in a position to deal with conflict of interest issues or any other issues. As a member of this chamber, I want to be judged by my peers. I do not want to be judged by

someone outside of the parliamentary process, outside of this house. If I am to be judged for my actions, be they conflict of interest actions or other actions, I want to be judged by senators in this chamber. That is what this proposal is taking away from us; namely, that someone else will judge us without knowing what they need to know, without having the historical background or knowledge of the actions that the second chamber takes and the experience of the 100 or so years that this chamber has been in operation.

The Senate must be the master of its own destiny, the master of its own rules. If I am told that we have failed in the past in this regard, I will look to it.

• (1440)

What I am trying to say, if I have not said it clearly, is the fact that some people or groups are crying for the blood of cabinet ministers is not a reason for us to react and be caught up in this action. We can be swept into a net that we have no reason to be swept into and, in that process, destroy a part of the effectiveness of this body.

**Hon. Elizabeth Hubley (The Hon. the Acting Speaker):** Would the honourable senator entertain a question?

**Senator Sparrow:** Yes.

**Hon. Serge Joyal:** The honourable senator, of course, referred to the *Rules of the Senate*. He is contending that our rules are sufficient to meet the objective of maintaining the ethics of this place. Those of us who are familiar with the *Rules of the Senate* — that little red book that I see on the Table before us — know that essentially there are two rules that deal with the issue of ethics. The first rule, which everyone knows, is, of course, rule 65(4), which reads:

A Senator is not entitled to vote on any question in which the Senator has pecuniary interest not available to the general public. The vote of any Senator so interested shall be disallowed.

We all know that we cannot vote on an issue in which we have any "pecuniary interest."

This is a rather large field. "Pecuniary interest" does not mean "direct interest." It does not mean "indirect interest." We all know the difference between a definition that is broad and expansive and one that is limited.

It is important for us, honourable senators, to look at how the House of Commons handles this. The rule that applies in the House of Commons is rule 21 of the Standing Orders of the House of Commons. Let me read it, honourable senators, because there is a lesson here:

No Member is entitled to vote upon any question in which he or she has a direct pecuniary interest...



Let me stress the difference: In our place, the rule says "any question in which the Senator has pecuniary interest..." In the other place, the rule reads, in part, "a direct pecuniary interest." Honourable senators, believe me, the court will differentiate between these two rules.

However, honourable senators, let me bring rule 94 of the *Rules of the Senate* to your attention: Rules 94 reads as follows:

A Senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the matter referred to any select committee, shall not sit on such committee and any question arising in the committee relating to that pecuniary interest may be determined by the committee, subject to an appeal to the Senate.

Honourable senators, this is serious business. It means that I, as a senator, having been appointed by this chamber a member of the Legal and Constitutional Affairs Committee and the Rules, Procedures and the Rights of Parliament Committee, cannot sit. Honourable senators, this means that not only can I not vote, but also I cannot question.

**The Hon. the Acting Speaker:** Honourable Senator Sparrow, your time has expired. Do you wish to ask for leave to continue?

**Senator Sparrow:** With leave, I would ask for a few more minutes.

**The Hon. the Acting Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Joyal:** I will conclude quickly.

What I want to draw your attention to, honourable senators, is the perception that our system is less stringent than that of the other place, when, in fact, on the basis of the text, our system is more stringent and covers more than that in the other place. On that part of the issue, I would tend to support the approach of honourable senators.

Does the Honourable Senator Sparrow not consider that we have mechanisms already, as provided in rule 94, that this chamber is, in fact, the court where any allegations of conflict of interest can be taken and finally resolved?

**Senator Sparrow:** The answer is yes.

**The Hon. the Acting Speaker:** Honourable Senator Sparrow, would you entertain another question?

**Senator Sparrow:** Yes, indeed.

**Senator Joyal:** The honourable senator says that we are covered by the Criminal Code, and I find myself in disagreement with him on this point. Section 121 of the Criminal Code deals with influence peddling. In that section, the word "official" is defined. The Supreme Court of Canada, in a case that most honourable senators will be familiar with — that is, *R. v. Cogger*, a former senator in this place — attributed "official" as including senators. This, to me, is a very dangerous situation.

I regret that Senator Oliver, our respected colleague, is not here today, because the report of the Special Joint Committee on a Code of Conduct of the Senate and the House of Commons — known as the Milliken-Oliver report — recommended, under "Duties and Procedures," the following:

The Government should review the recommendations of the 1992 Special Committee on Conflict of Interest regarding amendments to the *Criminal Code* regarding the offences of bribery, influence-peddling and breach of trust to clarify the meaning of the word "official" in relation to Parliamentarians.

In fact, if there is any real danger today that any one of us is open to, it is with respect to that section of the code. Honourable senators all know the sanction if any one of us were found guilty. We would lose our seat, according to section 31(4) of the Constitution Act, 1867, which reads as follows:

The Place of a Senator shall become vacant in of the following Cases:

(4) If he is attainted of Treason or convicted of Felony or of any infamous Crime:

My point is to separate myself from the honourable senator by saying that if there is something we need to do in this house it is to amend the Criminal Code to clarify the word "official," as recommended by the Milliken-Oliver report and by Senator Stanbury's study in 1992. In that way, we would clarify the situation and ensure that we would not be caught by the web that the honourable senator has described. We need to act in one way, according to the objective of maintaining proper ethics in this place.

**Senator Sparrow:** I wish to thank the honourable senator very much. I would agree with him that that action should, perhaps, be taken. It might be the position of the Senate that it would like to bring forth an amendment in that regard to the Criminal Code.

Apart from that, though, the Criminal Code does oversee the actions of senators.

**Hon. Jeremiah S. Grafstein:** Honourable senators, would the honourable senator permit another question or two?

**Senator Sparrow:** Yes.

**Senator Grafstein:** Senator Sparrow alluded — and I agree with him — to a distinction between office-holders in the cabinet and senators. He referred to the fact that in the other place, and in the press, the media and the opposition are "after cabinet ministers."

I do not agree, by the way, with many of the criticisms of the cabinet; that there is a clear and present danger. However, to deal with such a clear and present danger, the government has now included everyone in the same bag, under the proposed draft legislation.

I take it the honourable senator was saying — and please correct me if I am wrong — that there is a clear, constitutional difference between a minister who, to a large extent, acts under cabinet secrecy in dealing with administrative as well as legislative matters of governance, and senators here in the Senate, whose acts are totally transparent in the sense that every act that we undertake in this place is recorded in Hansard; every vote is recorded in the Hansard; every committee report is available to the public.

There are two separate models and separation of powers: There are the legislation and administrative powers contained in the cabinet — essentially administrative powers of governance — and the purely transparent legislative actions of senators here in the Senate.

Is that what the honourable senator was trying to differentiate in his brief allusion to the difference between the two?

**Senator Sparrow:** Yes, it was.

**Hon. Richard H. Kroft:** Would the honourable senator take yet another question?

**Senator Sparrow:** Definitely.

**Senator Kroft:** Out of great respect and deference to Honourable Senator Sparrow's experience here — and, no, he did not hear footsteps at the time with the clock — I am interested in what sort of document it is; what instrument it is that we are dealing with here. In asking my question, I would draw a conclusion and enquire whether, perhaps, the honourable senator is in agreement with it.

What we have here is a draft and not a bill. This is not the government saying, "This is what we want to do and this is all we have to do, and all the normal alignments that come with that." I would look for the honourable senator's confirmation, based on his years of experience, that what we have before us is an invitation to address an issue. We have a stimulus to thought. We have an opportunity to look to the fundamentals of this place, what it is like and what is the right way for us to do it.

I am looking at this matter — and I hope others are as well — not as a do-or-die or a proposition, "yea" or "nay," but as an opportunity to expand our imaginations and expand our understanding of this institution; to look to the experiences of institutions around the world, including the House of Lords, and say, "Is this the way we want to do this, or is there a better way?" Would the honourable senator agree that that is what we are being asked to do now?

**Senator Sparrow:** Yes, I think that is what we are being asked to do. The Leader of the Government in the Senate made a statement that we want input into the process.

Where I divide my thoughts is why we are caught up in this exercise. That is my concern: Why are we caught up in it? Why are we charged with the responsibility of making recommendations or changes? If the thought that goes forward from the chamber or

the committee is that we do not want to be part of that process, then we will design, if necessary, our own rules in our own time. We will not be caught up in this process of trying to rule on what the cabinet does or what their concerns are when, in fact, there is a clear difference in the Constitution between what they do and what we do here.

My concern is that we say that we do not want to opt for an ombudsman, or whatever it is called — I use that word because so many words are being used — an outsider to pass judgment on the ethics of this chamber. My answer to the honourable senator again is no, I do not want any part of a discussion on those issues. That is for another place, at another time, affecting the cabinet. If the House of Commons wants to be caught up in that exercise, so be it, but I do not want to see us caught up in it.

**Hon. Jack Austin:** Honourable senators, with the permission of the house, I should like to ask a question of the dean of the Senate, Senator Sparrow.

A number of good suggestions are made in this draft material. I am sure that Senator Sparrow has no objection to proper standards of disclosure and the improvement of the current rules, if honourable senators see the desire of advancing our own rule system, given public expectations with respect to transparency and disclosure.

I wonder if Senator Sparrow has looked into an aspect that troubles me. If there is any legislation proposed to be enacted here, we would violate the rights of Parliament which have been practiced for centuries now; rights that, as the honourable senator said in his speech, have asserted that, with respect to the conduct of any senator within the rules, it is the judgment of our peers as to what that conduct amounts to, and what sanctions should be applied.

In the draft material, has the honourable senator considered that the proposals therein would create a statutory intervention into the normal conduct of this chamber? All statutory intervention is reviewable by a court. Therefore, a court could, under the statute in question — and, of course, the Charter, together or separately, and probably together — interfere with the processes of this house in terms of the responsibilities of a senator. Has the honourable senator considered that issue? If so, does he have a view on it?

**Senator Sparrow:** Yes, I do, because it is a matter of concern if this matter does proceed on the basis that is being suggested. If it would end in legislation that would let the courts decide on the actions of the Senate then, of course, that is the greatest danger in what we are proposing here. The legislative aspect is what we have to avoid. The courts cannot be above this Senate chamber. That is the point that the honourable senator was asking about, and that I am agreeing with.

**Senator Austin:** I have a supplementary question. In the honourable senator's experience in Parliament, would he not agree that the essential division between the courts and the legislature — the judicial function and the parliamentary function — would be blurred if legislation were introduced that would deal with the rights of Parliament?



**Senator Sparrow:** Indeed, it would be blurred between the rights of Parliament and the actions of the courts. I have no doubt about that.

• (1500)

**Hon. Tommy Banks:** Would the Honourable Senator Sparrow entertain yet another question?

**Senator Sparrow:** Yes, indeed.

**Senator Banks:** My question is a much more crass and mundane question than the ones that have been asked so far, which are of substance.

I now wish to move to the area of perception, which is perhaps not important at all, or it may occupy different levels of importance, depending on one's point of view. However, perception is important to me and to other senators, particularly the perception of this house, the honour of this house and the honour of senators.

The honourable senator has probably given a great deal of thought to Senator Austin's question about the separation of the judicial function on the one hand and Parliament on the other. When I arrived in the Senate, I was less understanding of the importance of that distinction, as I am sure is the case with other honourable senators.

Certain members of the public might look at what has just transpired and say, "You mean to say that you are above the law and that you are exempt from the law in some respects?" In this regard, I am speaking about areas other than those specifically referred to in the Criminal Code that apply to senators. However, with respect to ethics, for example, I suggest that the average man on the street — if there ever were such a thing — might be able to say, "Then you believe you are above the law."

Similarly, and still in the realm of perception rather than substance, in answer to the honourable senator's earlier rhetorical question of whether there are any instances of senators having done the wrong thing in this place, I know people who are totally unaware of anything else about this place, its value or what goes on here but who would immediately answer the question by saying, "Yes, I will name three right now." Thompson is as famous, sadly, as any member of this place has ever been, and most half-informed people would also be able to invoke the names of Cogger and Berntson from the Senate's fairly recent history. These examples do not substantively attest to the question before us, but they are questions of perception that are important to some degree.

Would the honourable senator assist me in expanding on what the observations would be if one were to successfully counter that kind of argument?

**Senator Sparrow:** Honourable senators, when we talk about Thompson, we must remember that he followed the rules. There is no question about that. The rules were changed because of a certain circumstance. That is a fact.

In regard to the other two senators, presumably crimes were committed outside of this place, outside of Parliament and outside of the government. Those laws were broken, not from this chamber, not in acting as a member of Parliament or as a member of the Senate.

The honourable senator is saying that because a certain negative perception exists, we should change our direction for political reasons, not because someone is saying that they want some type of rule to indicate that we are doing something.

If we have done a poor job of selling our position, what we do and the ethical standards we have in place, that is our fault, which I can appreciate. However, we do not need to adopt additional rules that will infringe on what we may do or infringe on the possibility of those who may be appointed to the Senate to say, "No, because of..." This is a crucial point.

I do not wish to make rule changes that would hurt the Senate or the parliamentary process along the way just because that may be the politically correct thing to do now. I believe that is what would happen. We should not bend to the political pressures of the day; that is not our job. Our job is to govern on behalf of the Canadian people, through thick or thin, and to make decisions on behalf of all Canadians.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** On a point of order, honourable senators will recall that although it is not in the rules explicitly, one does find at page 141 of Beauchesne, our code governing debate, that there is a prohibition that, while speaking, a member must not "refer to the presence or absence of specific members." I mention that as a reminder to honourable senators.

**Hon. Peter A. Stollery:** Honourable senators, I also have a question for Senator Sparrow. As I look at this motion, and with a certain understanding of the operation of the House of Commons, two things are being discussed in which the Senate is involved.

At the outset, I should like to preface my question by saying that I agree with Senator Sparrow's observations yesterday that, under the Parliament of Canada Act, senators are effectively prohibited from doing many things. We are already tied up strongly under the Parliament of Canada Act.

Honourable senators, we are discussing a change to the Parliament of Canada Act. I understand, having inquired, that this change really only concerns the appointment of an ethics commissioner.

I understand that there must be concurrence with the Senate to change the Parliament of Canada Act because it is an act of Parliament. Both Houses of Parliament, plus the Crown, must concur in the appointment of the ethics commissioner. I would ask the Honourable Senator Sparrow to correct me if I am wrong.

**Senator Sparrow:** Honourable senators, this motion is broader than simply amending the Parliament of Canada Act. It indicates that the *Rules of the Senate of Canada* will be changed. We are governed by the Parliament of Canada Act. An ethics commissioner for both Houses is proposed. As I understand it, separate pieces of legislation would come forward. That does not just change the Parliament of Canada Act, necessarily.

**Senator Stollery:** Honourable senators, what would the ethics commissioner do? I am told that there will be changes to the *Standing Orders in the House of Commons*, which could be adjusted at each Parliament, and that those standing orders would be the base upon which the ethics commissioner would operate in the House of Commons. The *Standing Orders of the House of Commons* do not apply to the Senate. Would the honourable senator tell me if my interpretation is correct?

**Senator Sparrow:** Honourable senators, how should I know? Perhaps I am unable to answer the question effectively because I am not sure I understood the question.

What we are faced with is an ethics commissioner who would include the members of the Senate in his or her deliberations.

• (1510)

I might say that, in my opinion — and I was about to say my humble opinion, but I do not have one — to establish the ethics commissioner in his office will cost thousands of dollars. It is not a matter of something that already exists. It will be a huge department. As far as the Senate is concerned, I am sure history would prove that he would be much like the Maytag man with nothing to do, and yet we are caught up in having to declare and disclose many things that are unnecessary in order for senators to effectively do a better job.

**Senator Stollery:** Honourable senators, I will end with my final question. There are three elements: It seems the ethics commissioner has to be appointed by the Parliament of Canada Act, something which must be agreed to by the Senate. In the House of Commons the commissioner will be — and possibly unwisely, but nevertheless that is their decision — judging rules that the House of Commons will establish at the beginning of Parliament for the House of Commons.

Senator Banks and others have said that we could be seen as trying to get out of something, and I understand that. However, it seems that in the very proposal the House of Commons will have standing orders as to their behaviour in the House of Commons. It has nothing to do with the Senate. It starts right off with the House of Commons. It does not start off with the Senate. The standing orders do not apply here. Here, the *Rules of the Senate* apply, which are whatever rules we decide we want to have. Many of us, and I include myself, think that the rules we already have are strong and that the Canadian public is well protected by the Criminal Code, the Parliament of Canada Act, et cetera.

Honourable senators, I would like some advice. I do not see how, as a senator, I got into this, because even though it is decided by the House of Commons that they want to judge their conduct by appointing an ethics commissioner — and in the amendment to the Parliament of Canada Act it is clearly specified that, in the House of Commons, the commissioner judges them under standing orders that are apparently approved and can be changed, I suppose, at the beginning of Parliaments — I do not see how that affects the Senate.

From the beginning of all of this exercise, I do not feel a great load on my shoulders that must be removed, because it was already removed under the Criminal Code, the Parliament of Canada Act and all the other statutes that can inflict punishments and bad things on senators if they are in conflict or if they accept bribes or do whatever it is they should not do.

In this very proposal, it seems to say that we know that we are in charge of our own standing orders. The standing orders have to be approved by senators. We are the masters of our own house. Therefore I do not follow the logic that seems to be current, which is that because the House of Commons has decided to do something with their standing orders, that it follows that the Senate — a separate chamber, a different chamber, which is independent and self-standing — would pass standing orders that would apply in the Senate, and that would be the same as the ones they have created in the House of Commons.

I do not follow the logic of all of that and I wondered if Senator Sparrow had the same difficulty that I have had?

**Senator Sparrow:** Honourable senators, I wish now that I had asked Honourable Senator Stollery to write my speech for me because that is basically what I have been trying to indicate, which is that we are caught in this so-called web. If members of the House of Commons wish to have some control over the actions of the cabinet, and further controls over the actions of their own members, so be it. I believe it is not necessary for us to fall in with this bag of tricks that is basically being played on us.

On motion of Senator Joyal, debate adjourned.

## BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

### SECOND READING—DEBATE ADJOURNED

**Hon. Bill Rompkey** moved second reading of Bill C-300, to change the names of certain electoral districts.—(*Honourable Senator Rompkey, P.C.*).

He said: Honourable senators, this is the usual measure that we have had come before us from time to time for the change in names of certain ridings. I have agreed with the government whip in the House of Commons that I would sponsor that particular measure here in the Senate.

I do not have specific information before me today. If that is required, I can get it. Normally, in the past, we have dealt with these measures that come before us rather expeditiously, but I am in the hands of the Senate. If further explanation is needed, I can give that at a later date.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wonder whether Senator Rompkey could explain to us why the bill that is before us has an error in it, and, rather than even dealing with it at second reading, why we should not just send it back to the other place advising them of that error?



At least there is this error — I will not say *inter alia*. If one examines the work that was done, the riding name-change that was proposed for Kelowna was to be to “Kelowna Lake Country.” What is in the bill is from Kelowna to “Kelowna-Country.” Thus there is an error in the bill itself, and perhaps Senator Rompkey could tell us what to do.

**Senator Rompkey:** Perhaps the honourable senator would agree that we could deal with that error in committee, and make a rectification through our own procedures? That is what I would propose, if it is in order.

**Hon. Marcel Prud'homme:** Honourable senators, if no other senator wishes to speak, I will have a long discussion on this matter. I would prefer to ask for consent to take this bill under my name for the next sitting. We have already gone through all of that in June at the Justice Committee, and I know that Senator Joyal was extremely active, as was the Honourable Senator Beaudoin and many other people. It is the same argument that will be put to you.

• (1520)

Unless some other senators would like to speak, I shall volunteer and ask kindly that this bill be put in my name for the next sitting.

**Hon. Lowell Murray:** As with Senator Prud'homme, I have views on this general question, but I will spare the Senate my views for the moment.

Why is the House of Commons and the Senate proceeding with this matter at a time when redistribution is well under way? The preliminary maps by the redistribution commissions have been published. Public hearings are being held. The new boundaries will be effectively cast in stone before the summer of 2003, after which a year must pass before an election can be called on those new boundaries. Why are they proposing a change in the name of a riding, which for all I know will be redistributed with its boundaries changed and its name changed as a result of redistribution?

**Senator Kinsella:** Honourable senators, the Honourable Senator Rompkey did invite our observations on the first part of his speech at second reading that, if we prefer, he would consult his notes. I think that is the sense of the chamber. Perhaps the Honourable Senator Rompkey himself wants to move the adjournment of the debate.

**Senator Prud'homme:** I withdraw my own request.

**Hon. Eymard G. Corbin:** Honourable senators, at this stage, you can consider what I am going to say in my speech on this matter.

It is a member's privilege to suggest a name change for his riding so that it adequately reflects the social context: the geography, the quality of the air, the quality of the water.

However, there is one other item in here that I find rather ridiculous, and a waste of time, more so because the name of that riding came before us during the last round of riding name-changes. I am referring to Rimouski-Neigette-et-la Mitis, which would become Rimouski-Neigette-et-La Mitis. The only change being proposed is that there would be a capital 'L' in the wording of la Mitis.

I cannot understand why this sort of thing cannot be done by way of editorial procedure. Why do we have to make corrections by way of legislation? This should have been caught by the member who proposed the name change in the first round the last time we did this. I consider these picayune matters a total waste of time. I am in favour of proper French, but why did the people responsible for this matter not do a proper job in the first round?

**Senator Rompkey:** Honourable senators, I would like to take the sound advice of Senator Kinsella, and consult my notes and adjourn the debate in my name.

**Senator Prud'homme:** Honourable senators, first, to proceed in the proper fashion. I had already made a motion, and I am ready to ask to withdraw my motion and abide by what is agreed between Senator Kinsella and Senator Rompkey. Otherwise, you will have two sets of decisions. I therefore withdraw my motion, honourable senators.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Milne, that further debate of the motion be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (study of motion authorizing the National Security and Defence Committee to travel) presented in the Senate on November 20, 2002.—(*Honourable Senator Milne*).

**Hon. Lorna Milne:** Honourable senators, I move the adoption of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** Honourable senators, I thought the Honourable Senator Milne was merely moving the motion for adoption. I did not understand that the question was being put. It is customary for the chairman of a committee to move the adoption of a report and then rise and speak to that report.

**The Hon. the Acting Speaker:** I apologize. It may have gone too fast.

**Senator Milne:** I understand that it has been passed.

**Senator Cools:** Honourable senators, what is the status? My understanding is that it is customary that we move the adoption, and then the chairman speaks to the report. Has it been adopted?

**The Hon. the Acting Speaker:** Yes. I apologize. I may have proceeded too quickly, Senator Cools.

**Senator Robichaud:** It has been adopted.

**Senator Cools:** The report has many errors in it that I was trying to have corrected before it was adopted. I no longer know what our custom is here in this chamber, because I thought that the chairman moved the motion and then speaks to the report. Are we supposed to jump up and ask "Do you intend to speak or not?" We should clarify this procedure. I am sure that most honourable senators believed that they were voting on the motion to allow the honourable senator to speak.

I was sitting here looking at this report, and I just saw a couple of errors that I thought we would want to have corrected on the record, and that I would want to call to the chairman's attention so that she could correct the report herself before it was offered up for a vote. If we look at the report, it says:

Debate on this motion was adjourned. The following day, Thursday, November 17...

— that must mean November 7, because November 17 was last Sunday. We did not meet on the weekend. There was no debate last weekend.

Then the next point I would make is that the report says:

The following day, on Thursday, November 17, an amendment was moved by Senator Sharon Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C., that the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Honourable senators, no such amendment was moved. The Honourable Senator Carstairs moved an independent motion. Her motion was not amending Senator Day's motion. It was, in fact, an independent motion. If you look to the record, Senator Day's motion was that the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study. The motion that Senator Carstairs made was:

...I move that the question before the Senate be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Senator Carstairs never amended or offered an amendment to Senator Day's first motion. It could be said that her motion was intended to supersede the first motion. It seems to me that there is a collection of mistakes in this report.

The report continues:

Subsequently, Senator Noël A. Kinsella moved, seconded by the Honourable Senator Stratton, that the motion in amendment be amended by adding the words...

I am not sure now whose motion it was that Senator Kinsella was amending.

• (1530)

There is something very wrong in this report. If it has been adopted, then it is a certain sort of oddity. Perhaps I need guidance from my colleagues. How can such a report be corrected? Perhaps Her Honour has a suggestion. It seems to me that the chamber had not become aware that the report, in at least some of these technical ways, is flawed or incorrect. Something ought to be done.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I think that this report has now been adopted. The question has been put and senators have expressed their consent regarding the adoption of this report.

I do not see why we should go back to motions that had been adopted previously. In fact, we had agreed on this issue two weeks ago. This report has now been adopted and we should simply move on to the next item on the Orders of the Day.

[English]

**Hon. Eymard G. Corbin:** Honourable senators, I rise to speak on a point of order. If things had not moved so rapidly, I would have proposed the adjournment of the debate because this matter came to our attention today. It proposes a major departure from the traditional practices of this house. It concerns the privileges of individual senators and, indeed, of the house itself. I would have wanted to comment on the report.

There is no way that a senator can be in attendance here and follow debate and at the same time digest a three-and-a-half page report.

**Senator Milne:** That is the wrong report. You are speaking of the third report.

**Senator Corbin:** Honourable senators, I am sorry.

**Senator Murray:** You made your point, senator.

**Senator Corbin:** I must have been sleeping at the switch. In any case, I will not let the fourth report fly by.

**Senator Cools:** Honourable senators, I think that Senator Corbin unwittingly has raised an important point, which is that had the situation not moved along so quickly, some honourable senator would probably have taken the adjournment.



What I thought we were looking forward to was the consideration of the report and a debate on it. Of course, I do not think that anyone anticipated that the proceeding would just spring to a vote without any debate. Perhaps in the future when an honourable senator rises and says "I move the motion," we should jump up quickly and say, "Let me know if intend to speak or not so I can know whether to vote or to take the adjournment."

Something is clearly wrong in these circumstances. I do not think it is fitting, right or just, as the Honourable Senator Robichaud has suggested, to accept a document, in this case the third report of the committee, that contains particular errors and mistakes, especially on critical issues such as dates and the substantive intention of a particular motion. As I understood it, the motion made by Senator Carstairs was a superseding motion and not an amendment to the main motion. I do not know how, but I would like the record to be crystal clear. If the record shows that there was a unanimous vote, it was not my intention or my understanding to have been voting on the motion. I thought I was just voting to allow the chairman of the committee to speak so that we could all duly and properly debate the report.

On the substance of the report, there are some important questions that I would have liked to address.

**Senator Robichaud:** On a point of order, Your Honour.

We cannot on a point of order go in and out of the substance of the report, then question what has happened and try to rewrite what has been done here the last week we were sitting or even today. I think it is very clear. The question has been put and honourable senators have expressed their opinion on that question. The point that Senator Corbin made related not to the third report but to the fourth report. This was clear. There is a limit as to how we can debate matters that have already been debated and voted upon.

**Senator Cools:** No, Your Honour. Senator Robichaud's point of order is most invalid and not a point of order at all. We are not debating something that has already been debated. In point of fact, the third report has not been debated at all.

The point that I am raising is that the Senate has adopted a document that is flawed, and that is an important matter. It seems to me that every single senator has a duty. If any senator sees the chamber adopting something that is flawed, then that senator has the duty to call that fact to the attention of the Senate. It is not fitting, proper or judicious that we should knowingly adopt documents with mistakes in them.

**The Hon. the Acting Speaker:** Honourable senators, I did move too quickly, and for that I apologize.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Acting Speaker:** It has been moved by the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**Senator Cools:** Are we voting to allow Senator Milne to speak or are we voting on the question?

**The Hon. the Acting Speaker:** Excuse me, Honourable Senator Cools. I have asked the question. It has been put.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Carried.

**Senator Cools:** Point of order. You cannot do that.

**Senator Stratton:** Yes, we can.

**Senator Kinsella:** We just did it.

**Senator Cools:** I was on a point of order.

**The Hon. the Acting Speaker:** The Honourable Senator Cools.

**Senator Cools:** I was attempting to say that once the Speaker of the Senate becomes aware that the question being put before the chamber involves a document, an account or a report containing faults that have been drawn to her attention, then she has a duty not to put the question. It is the duty of Her Honour not to put a question if there is a defect.

**Senator Robichaud:** Order, order. Her Honour is standing.

**The Hon. the Acting Speaker:** Honourable Senator Cools, perhaps we should take a moment to review what has happened. First, I did move too quickly. I gave the floor to you and I believe you had your say. I then rose again and asked if the house was ready for the question. I did hear an affirmative response, after which I went forward with the question and it was agreed upon.

Next item, please.

Motion agreed to and report adopted.

[Translation]

## KYOTO PROTOCOL ON CLIMATE CHANGE

### NOTICE OF MOTION TO RATIFY

Leave having been given to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to rule 58(1)(h), I will move:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

[English]

## FOREIGN AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEETING DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 58:

That the Standing Senate Committee on Foreign Affairs be empowered, in accordance with rule 95(3), to sit at 6 p.m. on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

• (1540)

**Hon. Peter A. Stollery:** Honourable senators, this matter is no longer relevant; I would ask that it be removed from the Order Paper.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Order withdrawn.

### MOTION TO REFER 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein,** pursuant to notice of November 20, 2002, moved:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and

urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

## Appendix

### RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6 - 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;



3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms," and urges participating States to address "acute problems," such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;

10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic

criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

He said: Honourable senators, I rise in support of this resolution encapsulating the OSCE Parliamentary Assembly Resolution on Anti-Semitic Violence in the OSCE Region, including Canada — the OSCE being comprised of 55 nations, stretching from Vancouver in Canada to Vladivostok — a resolution that I supported energetically and endorsed and which was unanimously approved by all OSCE parliamentarians in the Reichstag in Berlin last July.

Honourable senators, hate always starts with words. Words can kill. Sadly, daily, we experience these painful lessons. Incitement to hate, anti-Semitism, starts with Jews, but never ends with Jews. This is the tragic lesson of history. The bitter lesson of European history is still scorched in our memories.

The treatment of Jews, some political philosophers have argued, has been a test, or at least one benchmark, of a free and open civic society. The ugly faces and voices of anti-Semitism have not been seen or heard with such ferocity and force, nor witnessed, since the 1930s. Licence, even reaching into international fora, has been granted to acts of anti-Semitism — incitement to hatred — always leading to violence.

In Canada, in the past year, four synagogues have been scorched or burned, more than at any time in our entire history. In Canada, more than two incidents of anti-Semitism per day in the last year were collated this past spring — all this, in Canada, in the 21st century.

After 1989, when the Berlin Wall finally came tumbling down, I never thought that I would ever have to open a dossier on anti-Semitism, certainly not a dossier in the 21st century. Yet, in England, in Germany, in France, in Denmark of all places, and worse even in Canada and elsewhere throughout the entire OSCE space across the face of Europe and North America, synagogues — houses of worship — must now be guarded, some 24 hours a day, to allow for freedom of worship. In Canada today, there is now a new tax on freedom of worship in synagogues, the cost of fulltime guards just to exercise the right to worship in Canada in peace and security. I should note that in Germany this guard tax is now borne freely and openly by the German government.

Regrettably, no corner of OSCE space is free of taunts and fears of anti-Semitism. The news media has accelerated and even inflated this endemic problem. State-sponsored media are relentless, even stooping to produce and broadcast that oldest of old canards, the Protocols of Zion.

Last summer, I spoke in the Reichstag, the German Parliament in Berlin — where Jews had settled on the banks of the Spree well before the founding of Berlin over 750 years ago — urging the OSCE to lead in raising our voices against runaway anti-Semitism. I was absolutely delighted that the OSCE resolution, encapsulated in this resolution, was so quickly and unanimously adopted in Berlin's Reichstag on July 8, 2002, in the very same place that Hitler stood in 1933 to introduce his heinous laws. The OSCE was not silent.

Yet, in Canada, I have waited, and all I have heard is silence. What we cannot do, what is unacceptable, is to remain silent. Imagine, four synagogues burned or scorched — four synagogues in four provinces of Canada — and still eerie silence from all our leaders and all our institutions. Honourable senators, silence is acquiescence. Acquiescence breeds licence. Licence breeds legitimacy. Legitimacy leads to fear, scorn, loathing and then violence — all unacceptable to the founding principles of the OSCE, the 1975 Helsinki Accords, the 1990 Charter of Paris and the 1990 Copenhagen Declaration, and above all, unacceptable to the Canadian Charter of Rights and Freedoms.

What can we do? We can support this resolution in this Senate, as the OSCE Parliamentary Assembly did unanimously and quickly last summer. It is to be hoped that a similar resolution will be passed in every house of parliament of the 55 member states of the OSCE, and Canada should lead the way. This resolution might light the way out of this current gloom. This resolution might ignite other lights that can push away the darkness descending upon us.

In the last millennium, the last 1,000 years, two out of every five Jews were murdered. In the last century, the murder of Jews continued. During the last century, the 20th century, one out of three Jews was murdered.

While discrimination always seems to start with Jews, it never ends with Jews. Discrimination always starts with a word, then a phrase, perhaps a joke, then gossip, then conversation, then a speech or a sermon, then a lecture, usually a book, then a policy, then a state program followed by the expectation that the state program will be executed, and it was! We never believed it could happen, but it did. What happened in the last century in civilized state after civilized state remains beyond imagination, yet it did happen.

Honourable senators, words of incitement against Jews are always followed by discrimination against the "other." This is the pathology of hate. This is the oxygen of violence.

Must we repeat the anguish call of the 20th century — "Never again"? I fear we must.

I urge colleagues to unanimously support this resolution, as our parliamentary colleagues did so readily in Europe, and the modest actions proposed.

[ Senator Grafstein ]

Honourable senators, we must make a start. This is the place. Now is the time.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Would the honourable senator entertain a question?

**Senator Grafstein:** Yes.

**Senator Kinsella:** In recent times, we have observed in Montreal, at Concordia University, the imposition of silence. My understanding is that the imposition of silence continues to this day and is, if I am not mistaken, even upheld by a court injunction. Would the honourable senator reflect on this domestic Canadian incident, relating it to this resolution, which I wish to advise him I support?

**Senator Grafstein:** I thank the honourable senator for his question.

I have not had a chance to examine all the facts surrounding that incident, other than what I have read in the newspapers and other reports. I believe that the right of free speech that is guaranteed in the Charter is almost sacrosanct, if not totally sacrosanct.

• (1550)

However, such an activity must take place in a forum where freedom of speech is allowed. It is my understanding, based on a comment that I heard from another member of Parliament, whose daughter was at the event and was punched out, that there was not freedom of speech at this event, nor an atmosphere of peace and security.

This is a very difficult question to answer. I do not want to make a glib response to it. However, this is exactly the type of thing that a committee might examine objectively to see whether there are ways in which honourable senators can deal with what I consider to be a sacrosanct right of every Canadian, and that is freedom of speech.

Let me say this, honourable senators: What troubles me personally, and the reason why I have sat here for a year now and waited for a response, is that when I go to my synagogue now, and it is one of the largest in Toronto, I cannot go in through the front door, nor can I go in through the side door. I have to go in through the parking lot, as does every other member of that synagogue. Thereafter, we go through a chamber where our bags are checked. This process goes on 24 hours a day. That is a tax. Recently, I received my membership account, and we are now charged \$150 or \$200 per family for those guards.

**Senator Di Nino:** Security.

**Senator Grafstein:** I am now, in Canada under the Charter, personally taxed to enter into my own place of worship. Down the street there is a Roman Catholic edifice, and down the other street there is a Protestant edifice. Several miles away, there is a mosque. I do not detect guards there.



I say that if anything else comes out of this inquiry, at least there should be something said in Canada about the fact that one religion is required to be taxed just to exercise its freedom under the Charter, which is the freedom of worship. I find that abhorrent and unacceptable.

**Senator Kinsella:** My reading of the literature on the administration of universities in the United States and Canada has raised concerns for me that there is a new kind of systemic discrimination, of which the events that occurred at Concordia are but a symptom, or the tip of the iceberg, to use a different metaphor.

Do you think that the committee to which this resolution might be referred would serve a very rich end if it were to examine the nature of the response that is appropriate in a free and democratic society such as Canada in the year 2002? Such a rich end indeed that those who follow us, in generations to come, and with the hindsight of the future, will say that while we were not necessarily asleep at the switch, we did not critically examine the changed dynamic; that we did not probe the systemic nature of the anti-Semitism that prevailed; that we were confused by the complexity of geopolitical considerations?

Those of us who read history try to understand, for example, the actions of the churches — and I can speak of my own church, the Roman Catholic Church. There are today a great many questions as to the appropriateness of the actions of the Vatican during the era of the Second World War and the Holocaust. Much of the historical research that is being done in that regard is not crystal clear, either on the one hand or on the other. Great historians such as the one from your city of Toronto, Michael Morris, who served on an important commission of historians, have been examining Vatican archives, at least those that were made available to the researchers.

My analysis of it, if we can learn from that history, is that those living during that era were not reflecting upon the changed dynamics. If we are to learn something from that terrible period of history, how men and women of goodwill and institutions of goodwill, such as the Vatican and other institutions, may not have been as proactive as they could have been. I do not want us to be condemned by the generations that follow us in the future.

To return to the specificity of my second question, does the honourable senator believe that the committee to which this resolution would be referred ought to examine the nature and complexity of the world that we live in, the political dimensions as well as the ethnocentric conflicts so critically important for a country such as ours that is so metropolitan and multicultural a society?

**Senator Grafstein:** I wish to thank the honourable senator for that informed question. Let me deal with two aspects of it.

I do not believe the committee to which this resolution will be referred has to invent the wheel. Substantive work, serious, critical, scholarly work has been done with respect to the Roman Catholic Church.

As a result of my origins at the University of Western Ontario, and being a member of the Newman Club as a youngster, I have always had, both from the inside and the outside, a very close and careful view of the Roman Catholic Church.

From my own perspective, while one can be critical of the church, as Roman Catholic members are today, remarkable progress has been made with respect to dealing with some of the systemic problems within the liturgy of the Roman Catholic Church. I was pleased to see that within the last year or so the Lutheran Church of Canada has done likewise. Remarkable progress has been made. It has taken a lot of time and energy.

However, the self-reform within religious organizations, institutions and communities is more important than reform from without. I see that evolving, and particularly under the current Pope. It has been two steps forward, one step backward, but there is still some forward motion.

I would not expect the committee to do other than perhaps examine this question. It does not have to reinstitute serious and substantive work that has been done on that front.

For me as an observer, and for the honourable senator as a student of history, what I found to be absolutely remarkable is the time and the energy I have spent going to Germany over the last 20 years since becoming a senator. I am a member of a Canadian-German group, the Atlantik-Brücke. In the back of my mind I have always had the thought: How could a civilized society such as Germany, the leader of Europe in terms of science, literature and philosophy, succumb to what I consider to be the horrors of anti-Semitism? The people who were the most surprised about that were Germans themselves, many of who served in the First World War with great distinction.

Once I came across a text that said there was a higher proportion of Germans of Jewish origin who served with distinction in the First World War for Germany than perhaps any other community. How could that happen? I have studied the subject for the last 20 or 30 years. I edited a book on the same issue, and I am still puzzled. There are no short answers.

I have decided that the only good answer is not to remain silent, and to say over and over again that this conduct, private or public, is unacceptable. For me, I must say that I was amazed that there was no church or political leader, nor any major institution in Canada, set up to deal with this precisely, like fraternal relationships between Christians and Jews who were upset about the scorching and burning of synagogues.

• (1600)

I know that had a church in the United States been burned, the President of the United States would have been there the following day, as happened on several occasions — but in Canada, silence. Perhaps we are too nice and complacent.

To my view, this very modest resolution might ignite some small lights that might change people's attitudes toward these things and make Canadians such as myself feel fully that we are equal citizens with you as you go to your church and we go to our synagogue.

**The Hon. the Acting Speaker:** Honourable Senator Grafstein, I am sorry to interrupt, but I must advise that your time for speaking has expired. Is the honourable senator asking for leave to continue?

**Senator Grafstein:** Yes, please.

**The Hon. the Acting Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Hon. Joan Fraser:** Honourable senators, I welcome Senator Grafstein's motion. For those senators who are interested, I would recommend, among many other publications, the remarkable book by Erna Paris called: *Long Shadows: Truth, Lies and History*, which is an examination of societies where systemic racism has taken hold, not only anti-Semitism but many forms of racism. It is a remarkable and most enlightening document.

I would ask Senator Grafstein whether he is aware that the Board of Governors at Concordia University has voted to lift the moratorium on discussions concerning the Middle East, but the exact timing of the lifting is to be left to the principal of the university. The decision has been made.

I would also ask the honourable senator whether he is aware that the original moratorium was brought in and then confirmed by a court injunction, not so much as a question of censorship but in order, literally, to preserve the physical peace in the university. What happened was that when Benjamin Netanyahu, a politician with whom I disagree on almost every imaginable point, came to speak at Concordia, his arrival was greeted with remarkable physical violence by a number of protestors who did a great deal of physical damage. Senator Grafstein referred to someone who was punched out, and I believe there was more than one person who suffered personal violence. There was damage to the university property — huge windows broken and furniture hurled down from a height greater than our galleries. It was a dangerous situation. The university was acting to restore the climate of calm in which proper debate of profound ideas can occur.

**Senator Grafstein:** I thank my colleague for referring to Erna Paris. She is an old friend of mine. She was included in my book as well, and she is one of Canada's outstanding writers. Her books have been well received not only in Canada but also in Europe. I commend everyone to read her book. She has also written one on the Spanish experience, which is edifying and well written.

I would like to respond to the Concordia episode, but I must say that, particularly in the Senate, I do not like to respond unless I am on top of the facts — and I am not on top of those facts.

I can give honourable senators another incident that startled me, involving a mutual friend of mine and of Senator Keon. He is an outstanding heart surgeon in Canada. He was on Bloor Street in Toronto some months ago, walking out of a bookstore. A protest was marching by, and he stood up and said, "What about suicide bombers?" He was immediately trampled. He was kicked and had his arm dislocated, which meant he could not perform heart surgery. No one on Bloor Street, on a Saturday, stopped and said, "Get off this guy."

I was in Europe at the time and came back to Canada because he is a good friend. I called him and asked what had happened, and he confirmed that story.

I found that story to be absolutely beyond my imagination: downtown Toronto, Bloor Street, police officers within yards, someone being beaten up on the street, and no one saying, "Back off." This is Canada in the 21st century.

**Hon. Eymard G. Corbin:** Could the honourable senator tell us why he is suggesting that this motion be referred to the Foreign Affairs Committee? At first sight, I would think that the Human Rights Committee could best deal with it.

**Senator Grafstein:** Honourable senators, since this is an OSCE resolution that reflects events in Canada but also events in practically every member state of the OSCE, it is not purely a domestic human rights issue. It is a domestic human rights issue that has been replicated in every civilized country of the Western world.

The history of Denmark is well known to Jews because when the hideous star was imposed upon them during the Second World War, the king walked out and wore the star. In that country, 99 per cent of the Jews were not eradicated because the population all said they were Jews.

When I was in Denmark some months ago, a Jewish team was playing. They were beaten up on the field. I happened to be there. It happened on a Saturday and I was there on the Sunday. I read the newspapers and then talked to members of Parliament. I asked, "Where is the outcry? Where is the church? Where is the government? Where is the king?" Frankly, I do not want to quote our parliamentary colleagues out of context, but I found the answers unacceptable.

I did not concoct the resolution that was placed before the OSCE. I seconded it, but I did not propose it. It came from the United States. I felt that this resolution would be an answer. I spoke to parliamentarians in Denmark and asked, "Will you take a look at this?" They said "Yes, we may." I found that to be such a change from what happened in Denmark just half a century ago.

On motion of Senator Stratton, for Senator Spivak, debate adjourned.

[Translation]

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY PROPOSAL OF VALIANTS GROUP

**Hon. Michael A. Meighen,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the proposal of the Valiants Group for the erection of statues in downtown Ottawa to salute the heroic wartime



sacrifice of certain valiant men and women who fought victoriously for the independence of Canada during the 17th, 18th, 19th and 20th centuries, and helped mightily to establish Canada's nationhood;

That the Committee report no later than January 31, 2003.

• (1610)

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I understand that adopting this motion will not lead to costs for the subcommittee. It simply seeks to study proposals made by the Valiants Group for the erection of statues in downtown Ottawa.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Lowell Murray,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO STUDY TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO

**Hon. Peter A. Stollery,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the Canada — United States of America trade relationship and on the Canada — Mexico trade relationship, with special attention to: a) the Free Trade Agreement of 1988; b) the North American Free Trade Agreement of 1992; c) secure access for Canadian goods and services to the United States and to Mexico, and d) the development of effective dispute settlement mechanisms, all in the context of Canada's economic links with the countries of the Americas and the Doha Round of World Trade Organisation trade negotiations;

That the Committee have power to engage such counsel and technical, clerical and other personnel as may be necessary for the performance of this order of reference;

That the Committee have power to adjourn from place to place inside and outside Canada for the purpose of this reference; and

That the Committee shall present its final report no later than December 19, 2003, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until January 31, 2004.

He said: Honourable senators, pursuant to rule 30 and with leave of the Senate, I would ask that my motion be modified by deleting the following two sentences:

That the committee have power to engage such counsel and technical, clerical and other personnel as may be necessary for the performance of this order of reference;

That the committee have power to adjourn from place to place inside and outside Canada for the purpose of this reference.

Honourable senators, the substance of the motion stands. I have discussed this with both sides, honourable senators; as such, it is my hope that the motion, as amended, will be acceptable.

**The Hon. the Acting Speaker:** Honourable senators, is leave granted to delete these two paragraphs?

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion agreed to, as amended.

## HUMAN RIGHTS

### COMMITTEE AUTHORIZED TO STUDY POSSIBLE ADHERENCE TO AMERICAN CONVENTION ON HUMAN RIGHTS

**Hon. Joan Fraser,** for Senator Maheu, pursuant to notice of November 20, 2002, moved:

That the Senate Standing Committee on Human Rights be authorized to examine and report upon Canada's possible adherence to the American Convention on Human Rights;

That the documents and evidence received by the Committee during its consideration of these same matters in the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee table its final report no later than June 27, 2003.

Motion agreed to.

[Translation]

### ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 26, 2002, at 2 p.m.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Tuesday, November 26, 2002, at 2 p.m.



## APPENDIX

Addresses  
on the occasion  
of the unveiling of a portrait  
of the  
Right Hon. Martin Brian Mulroney

November 19, 2002

[English]

**Hon. Peter Milliken (Speaker of the House of Commons):** Good afternoon, ladies and gentlemen, Mesdames et Messieurs. I would like to welcome you to this special occasion, as we prepare to unveil the official portrait of the Right Hon. Martin Brian Mulroney, 18th Prime Minister of Canada.

We will all remain standing for the national anthem.

[Editor's Note: *Whereupon O Canada was sung*]

**Hon. Peter Milliken:** Once again, good afternoon.

The portrait we unveil today is the concrete, tangible tribute we pay to a former prime minister, and we are privileged to be present at this latest commemoration of our political history as it is added to the collection contained within these walls. But this day also affords us the opportunity to acknowledge our respect and admiration for Mr. Brian Mulroney, an admiration shared nearly two decades ago by the *Edmonton Journal* when they described him in the following glowing terms:

"His eyes are Paul Newman blue. His hair has the swoop of the Robert Redford style and the voice and resonance of a Lorne Greene school of broadcasting. The jaw is by Gibraltar." Given that flattering assessment, if politics had not beckoned, Mr. Mulroney might well have aspired to a career in film or television. In fact, not too long ago, at the conclusion of an interview with CBC-TV, he was asked whether he might consider returning to politics.

The journalist asked, "Not even a hint of a desire to one day get back in the arena?"

Mr. Mulroney replied, "No, not a hint. My desire is to come back as anchorman for CBC." I trust the media in attendance are taking note.

[Translation]

But his attraction to the world of media notwithstanding, there is no denying that Mr. Mulroney's interest in politics is a long-standing one, when he joined the Conservative Party during his university days.

In 1976, he ran for election as Conservative leader at the party's national convention, but it was not until 1983 that he won the leadership and gained his first seat in the House of Commons. In the election the following year, Mr. Mulroney's Conservatives won 211 seats in the House of Commons, the largest number in Canadian history. Four years later, the Conservatives won another majority.

[English]

In his nine years in office, Mr. Mulroney brought in two free trade agreements and introduced the goods and services tax. The language rights in New Brunswick were entrenched in Canada's Constitution. The Nunavut Agreement with the Inuit of the Eastern Arctic set in motion the creation of a third territory in Canada, representing a major achievement in aboriginal land settlement.

Internationally his stand on South African apartheid won him respect around the world. He also negotiated an acid rain treaty with the United States and was an architect of the Sommet de la Francophonie.

[Translation]

He also endeavoured to achieve constitutional reform. The Meech Lake accord attempted to define conditions under which Quebec could sign the 1982 constitution, but failed to become law when it was not passed by the Manitoba and Newfoundland legislatures.

Another endeavour to secure constitutional unanimity was undertaken with the Charlottetown accord in 1992. A national referendum was called on this agreement, but it was ultimately defeated, and Mr. Mulroney resigned from politics in 1993.

[English]

It has been said that he himself was surprised, given his love of politics, that he was so easily able to turn the page, to leave politics behind and move on to different professional challenges. But today is a day for reminiscences after all, so I ask his indulgence while I take a moment to express my admiration and appreciation for a man whose dedication to his party, his constituency and his country are above question.

As Speaker of course I have no political leanings, but when Mr. Mulroney and I were last in the Chamber together, our political differences were somewhat more marked. Nevertheless there was never any doubt that like everyone who sits in the House he only wanted one thing, and that was to try to improve the lives of his fellow citizens. We may not have agreed on how this could best be achieved but his priority was always to place his skills at the service of his party, his constituency and his country, and for that we all applaud him.

Leadership is not an easy burden, but he carried it with grace and dignity, wit and compassion. I am delighted to note that the passage of years has obviously not affected those qualities. I am sure the *Edmonton Journal* would be equally pleased to see that time has been kind to those features so eloquently described in that article written a number of years ago.

[Translation]

I invite the Hon. Lucie Pépin, Speaker *pro tempore* of the Senate, to address us.

**Hon. Lucie Pépin (Speaker *pro tempore* of the Senate):** Mr. Prime Minister, Mr. Speaker, honourable colleagues, ladies and gentlemen, just before leaving his position as Prime Minister, in June 1993, the Right Hon. Brian Mulroney said words whose truth is unquestionable, words that go straight to the heart of this ceremony. On the role and responsibilities of the Canadian Prime Minister, he said, and I quote:

The leadership of a modern democracy... is a great challenge. The most important responsibility of a Canadian Prime Minister, as prime ministers of any political party have learned, is the preservation and enhancement of Canadian unity.

Those who have met the challenge of assuming the leadership of our country have all, without exception, made huge efforts and countless sacrifices in the interest of their fellow citizens and in the service of the unity of Canada. Each one of them deserves our recognition and our respect. This is why we pay tribute to our former prime ministers by dedicating portraits to them.

The Right Hon. Brian Mulroney left a deep imprint in Canada's history and in the minds of his fellow citizens. He served his party, his riding and his country with great distinction. And while today we are recognizing the former Prime Minister, we are also saluting and honouring this particularly warm person, a person who is exceptional in every respect.

His successes are many and they are remarkable. As a former Quebec member of Parliament who was elected for the first time, like Mr. Mulroney, at the 33rd general election, held on September 4, 1984, I was among those who were able to see his achievements first hand.

[English]

Naturally, among the most important of these exploits are the Free Trade Agreements, which he successfully negotiated despite intense resistance from opposition parties and every corner of Canadian society. Moreover, he reached out across the cultural divide to build bridges between English and French Canadians, and for that he deserves our thanks and praise. As my colleague Senator Lowell Murray put it so well on February 24, 1993, Brian Mulroney will be remembered:

[Hon. Peter Milliken]

"As the national leader who, one-hundred years after the death of Sir John A. Macdonald, redeemed the heritage of our first prime minister and renewed [the Conservative Party] as a partnership of English- and French-speaking Canadians dedicated to national unity and national development."

[Translation]

Building on this political union, this historical collaboration, he managed an impressive feat, not once but twice getting elected a majority government dedicated to the pursuit of very ambitious objectives, which prompted Canadians to contemplate their past carefully and reflect in depth on their future. All Canadians, and all parliamentarians, I am sure, are profoundly grateful to him for engaging us in historical debates whose ultimate goal was to strengthen the foundations of our federation.

His talents, however, were not limited to politics. On the human side, Prime Minister Mulroney also had excellent qualities. I know that he often took the time to phone members, regardless of their political stripes, to extend words of comfort in times of distress or illness, words for which I remain grateful to you.

[English]

And in the area of concrete government measures, this compassion translated into several important initiatives. Among them were programs designed to protect children and target assistance to those most in need. As well, his government made great efforts toward developing national strategies in the areas of AIDS, drugs, family violence, breast cancer and tobacco. As a nurse and former president of the Advisory Council on the Status of Women, I am personally compelled to thank him and commend his efforts in those areas.

[Translation]

Today, we contemplate the past with emotion and pay tribute to the Right Hon. Brian Mulroney by unveiling his portrait. And if a picture is worth a thousand words, this one will certainly bring to mind countless memories of very exciting times and of a man who showed talent, persistence and courage as the 18th Prime Minister of Canada.

So, Right Hon. Brian Mulroney, welcome home and thank you.

**Hon. Peter Milliken:** The Right Hon. Jean Chrétien will now speak.

[English]

**Right Hon. Jean Chrétien (Prime Minister):** Mr. Speaker, Madam Speaker, Mr. Mulroney, Mrs. Mulroney, Mulroney family, dear friends, chers amis, ladies and gentlemen, we are gathered today to hang Brian Mulroney on Parliament Hill and I suspect he takes some great pleasure from the knowledge that I will be the next to hang.



Speaking of hanging, in recent days I have read with great interest stories in the media that you should come back. I want to make it clear today that if you come back, I am staying. The trouble is I think we both know that if we did it, we would be living in Ottawa as bachelors.

In all seriousness, I am very, very pleased to be here today with you for the unveiling of the portrait of the 18th Prime Minister of Canada, the Right Hon. Brian Mulroney.

You and I are among the very lucky few who have known firsthand the special thrill and unique sense of gratitude that is felt when Canadians freely choose you to fill the highest office in the land. There is no higher honour in our democracy than being chosen Prime Minister.

[Translation]

We are members of a very special group. Regardless of partisan differences, regardless of the convictions or ideologies that separate them, all Prime Ministers share one and the same goal: to make Canada an even better country.

When you assumed the leadership of the Progressive Conservative Party in 1983, it had been a quarter century since that party had formed a majority government. And no Conservative Prime Minister had enjoyed two consecutive majorities since Sir John A. Macdonald. A year later, you recorded the strongest parliamentary majority in the history of Canadian politics. Then in 1988 you had another healthy majority. You led the country in turbulent times. The Canada-U.S. Free Trade Agreement is one achievement for which you will go down in history.

On the international scene, you were a fervent and eloquent opponent of apartheid in South Africa. Your government's active participation in the Rio Earth Summit moved Canada into the lead role it now plays in the world as far as the environment is concerned, thus preparing Canada for the eventual ratification of the Kyoto protocol.

[English]

Mr. Mulroney, our paths have crossed many times in politics. Your election in 1984 inspired me to quit politics for a few years. You were a formidable adversary in the House of Commons. That is what democracy is all about, but there has never been any doubt of the overriding objective that we have always shared: making Canada a stronger, more just and more prosperous nation.

We welcome you back to Parliament Hill to unveil the fine work of Igor Babailov and as you take your rightful and permanent place among this truly distinguished gallery of Canadians.

[Translation]

Welcome to Parliament, Mr. Mulroney. Once again, it is an honour to be here with you, and to have the privilege, here on Parliament Hill at this time, to address such a large number of Conservatives. Thank you very much.

**Hon. Peter Milliken:** I thank Madam Speaker and the Prime Minister.

[English]

Now I would like to ask Mr. Mulroney to join me at the portrait

I would like to say a few words about the artist chosen by Mr. Mulroney for this portrait.

Born in Russia, Igor Babailov painted his first portrait at the age of four. In 1979 he was selected in a nationwide competition to attend Moscow's School of Fine Arts. His art education continued at the acclaimed Surikov Academy where he received the degree of Master of Fine Arts. There, he was officially commissioned to paint Nikita Khrushchev's granddaughter, Natasha.

[Translation]

He emigrated to Canada in 1990 and established his reputation as a portrait painter in the tradition of the old masters, both in Canada and abroad.

Mr. Babailov has painted numerous portraits in the last twenty years, including portraits of U.S. President George W. Bush, Russian President Vladimir Putin, Rudolph Giuliani and Nelson Mandela. His work also includes landscapes, scenes and large murals.

[English]

I would now like to invite the Right Hon. Mulroney, eighteenth Prime Minister of Canada, to address us.

**Right Hon. Brian Mulroney:** Mr. Speaker and Prime Minister, madame la Présidente du Sénat, chers amis, I wish they hadn't hustled that guy out so quickly. This was one of my supporters. I remember the old days when we would bus people like that in.

Some people pay attention, especially during leadership campaigns.

[Translation]

I would first like to thank you for your kind and generous words about me. This is a very special occasion for me and my family. I am deeply honoured by your presence and your comments.

[English]

I begin by thanking you all for your elegant and generous words. I think those are probably the finest speeches you have ever made in this building. This is indeed a very special moment for me and my family and I am genuinely honoured by your comments and grateful for your presence.

I am especially indebted to Igor Babailov, a truly gifted artist, who has done a remarkable job on my portrait, considering what he had to work with. In most Canadian families, when a baby is born, the happy parents count the baby's fingers and toes. When I was born, my parents measured the chin. This was a sobering moment for young parents. But they were optimists and as my father later said to my mom: "Just be thankful, it was before metric."

Through a combination of great skill and sure talent, Igor has neutralized any unduly prominent features, for which I and future visitors to the Prime Minister's Gallery will be eternally grateful.

I am genuinely delighted to see you all in such numbers. But then, I was forewarned of such a large turnout, following a conversation I had in New York with Mort Zuckerman who, because of his Canadian origins, was aware of today's ceremony.

Mort told me of attending with a friend the funeral of a widely unloved Hollywood movie mogul.

Mort gazed around the synagogue just before the funeral service began and was absolutely astonished by the huge turnout. When he commented on the size of the crowd, his friend replied: "Well Mort, give people what they want and they'll turn out in droves!"

You know, it's difficult to feel sad on such an occasion but I have mustered a great deal of sympathy for John Turner, a victim of cruel and unusual punishment. He and I now hang side by side in the Prime Minister's gallery and John is condemned to stare at me for eternity.

[Translation]

In the 135 years of this magnificent country's history, only 20 people have born the title Prime Minister. I therefore consider it a remarkable privilege to have been elected, then re-elected to the position.

And as most of you are no doubt aware, none of this would have been possible without the love, encouragement and support of Mila and our children, who have given me great pleasure by being here with me today. I would like to introduce Mila and my children.

[English]

I was very pleased to see the Prime Minister here today. He is on his way to Prague. I am very grateful that he would take the time to be here. I am also quite surprised. I thought he had retired.

My memory is failing somewhat now, so I went back to Hansard and guess what I found? On February 27, 1986, Prime Minister Mulroney speaking in the House on the occasion of Jean Chrétien's retirement from politics, and I quote from Hansard: "Jean Chrétien was a brave and dedicated member who served Canadians and his constituents with energy and dignity. This extremely likeable man has made an unforgettable impression on all Canadians." Did I say that?

I was flipping through my morning copy of *The Globe and Mail*, of February 28, 1890 and, wouldn't you know, came across a report on the unveiling of Sir John A. Macdonald's prime ministerial portrait. The *Globe* reports "that the address to [Prime

Minister Macdonald] was as laudatory as the English language would permit." I find nothing wrong with that custom).

The *Globe* then observed that Sir John A. "told his admiring followers that he was the father of responsible government in Canada, the joint father of Confederation and that the peace, progress and prosperity of the country for the past quarter of a century was wholly due to the Conservative Party." And some of you thought I was guilty of hyperbole!

But then the *Globe*, in a tradition that has fortunately survived to this day, introduced some measure of balance into its report of the occasion. The *Globe* continues and concluded, "Someone has said that the chief business of old men is to tell stories which nobody believes and this is pretty much the case with [Sir John A.]." The journalist concluded, "Anyone familiar with the history of Canada knows that Sir John was the opponent of every measure of reform...and that he has held power by a set of the most rascally acts that ever disgraced the statutes of a free country." Gee, as the Prime Minister and I can testify, some things never change, eh!

[Translation]

I am also pleased to see that members and senators from all political parties are here today. I have lasting friendships with members of the opposition who touched me with their compliments and the nature of their comments.

[English]

Canada's vibrant democracy is advanced by the collision of great ideas and the articulation of competing visions for our country. It may surprise some but this actually can be done effectively without the politics of personal destruction. There is room and often a need for powerful debate, dissent and disagreement anytime a government acts in an important area of public policy.

As they did in my time and as they will forever, opposition parties must be vigilant and vigorous and, if need be, unrelenting in their pursuit of a noble objection. And through it all, good days and bad, opposition parties must always retain a sense of confidence and optimism as they recall the words of Lester B. Pearson who said, "Don't be downhearted in the thick of battle. It is where all good men would wish to be."

Which is why, although history remembers Prime Ministers in a special way, Canadians should never forget that it is the individual member of Parliament whose contribution is the foundation of our parliamentary system and the hallmark of our democracy.

Over 9 years after leaving these halls, I can tell you that the part of political life I miss most of all is my caucus. I loved them all and deeply respected their sacrifice and admired their commitment. The focus of my week began not on Monday but on Wednesday with caucus and ended early the next Wednesday morning with a group of MPs for an early breakfast at 24 Sussex just prior to the beginning of caucus again. In between, their



preoccupations became my priorities. So every Wednesday I witnessed a microcosm of Canada, replete with challenges, achievements, tensions and dreams, as I watched men and women from vastly different regions and backgrounds and languages, struggling to understand each other's views while seeking to harmonize their differences into coherent national policy. Those moments exemplified for me the very essence of parliamentary democracy and the splendor of a commitment to Canada, and while they occurred in my caucus, I know they occurred in every other caucus as well.

[Translation]

It was among my colleagues from caucus that I most clearly heard the voice of Canada. Every week, men and women from across the country shared their pride and their hopes, their plans and their concerns. They did not all speak the same language, nor did they all see the future in the same way, far from it. However, in their own words and in their own way, each one of them said, "I love Canada and I want to make it a better place for those who come after me."

On many occasions, in these circumstances, I was reminded of the words of our great literary figure from the Charlevoix, Félix-Antoine Savard: "Blessed are those who live in harmony."

[English]

It was both in this room and a few steps from here where we gathered to consider the great issues on our agenda, from free trade to the GST, from Meech Lake to the Gulf war, and many others. After remarkably candid and direct debate, often in an atmosphere of withering criticism outside, we came together in mutual friendship and loyalty and presented a singular policy and common approach to Parliament and the country.

Sometimes we succeeded and sometimes we failed. I remember recalling for caucus the words of Reinhold Niebuhr: "Nothing worth doing is completed in our lifetime; therefore we must be

saved by hope. Nothing fine or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith..."

So it is in the life of Canada. I will be forever grateful to all members of Parliament for their contributions. But in a special way I will be forever grateful to that group of men and women, members of Parliament, who stood with me in proud and sometimes lonely solidarity, as we defended policies we knew to be unpopular at the time but which we believed to be in the long term best interests of Canada and all her citizens. In the fullness of time, history and a more reflective nation will tell us whether our hopes for the ultimate success of these policies were realized.

As I return today to Parliament Hill for the first time since my resignation as Prime Minister, I want to say simply that I feel both humble and proud to know that my likeness, such as it is, will now be a part of this magnificent building and that I will have the honour of being with so many great Canadians, all of whom loved our country dearly and served her well.

To all of you, irrespective of political party, because so many durable friendships are made on the floor of the House of Commons and with people in the broader Ottawa community, to all of you who were kind enough to associate with me and my family in a supportive way over our lifetimes and particularly our time here, I want to say a special thank you. I want to thank you all for being here on what for us is a very, very special day. Thank you all.

**Hon. Peter Milliken:** Thank you very much, Mr. Mulroney. That concludes the proceedings. I have the pleasure of inviting all of you to join our guest of honour in the Hall of Honour for a reception.

[Translation]

I thank you for having attended these proceedings.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, November 21, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology					
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0			
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19							

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							



## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							

## PRIVATE BILLS

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CANADA

# Debates of the Senate

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• 37th PARLIAMENT

• VOLUME 140

• NUMBER 21

OFFICIAL REPORT  
(HANSARD)

Tuesday, November 26, 2002

THE HONOURABLE DAN HAYS  
SPEAKER

A red circular stamp, likely a library or archival mark, is located in the bottom right corner of the page. It contains some text that is difficult to read but appears to include "JAN 14 2003" and "HANSARD".

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## THE SENATE

Tuesday, November 26, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### GREY CUP 2002 VANIER CUP 2002

#### CONGRATULATIONS TO MONTREAL ALOUETTES AND SAINT MARY'S HUSKIES

**Hon. B. Alasdair Graham:** Honourable senators, last Saturday and Sunday, football pride was rampant in Canada. Fans from coast to coast to coast were treated to two of the most exciting matches in the history of Canadian football. On Sunday, at Commonwealth Stadium in Edmonton, before a sell-out crowd of over 62,000 fans, the Eskimos and the Alouettes battled right to the wire, with the Als emerging triumphant in a game that saw the Grey Cup returned to Montreal for the first time in a quarter of a century. Both competing teams, the Canadian Football League, the organizers and the hospitable City of Edmonton deserve an enormous amount of credit, our thanks and our praise. The CFL and the Grey Cup are safe in Canada for many years to come.

Hopefully, honourable senators will understand if my simon-pure amateur gaze and my interest were more sharply focused on the SkyDome in Toronto on Saturday, where the Huskies of both the University of Saskatchewan and St. Mary's University in Halifax engaged in a titanic battle of gargantuan proportions for the coveted Vanier Cup, emblematic of football supremacy among universities in Canada.

I say all of this in the absence of the Honourable Senator Willie Moore, who underwent surgery in a Halifax hospital yesterday and hopefully will be back with us in much improved health early in the New Year. Let it be said, without equivocation, that St. Mary's does not have a greater or more loyal supporter than Senator Moore. We can only hope that St. Mary's second straight Vanier Cup victory eased the pain enough for Willie to smile all the way to the hospital, after watching his beloved Santa Marians capture another Canada-wide championship. I understand that he stayed at home, glued to the television until the end of the game, before he accepted a ride to the hospital on Saturday.

Honourable senators, I am not here today to justify the role that sports and fitness play in the whole development of the human being, but I do believe strongly that sports should be an integral part of the quality of life for all Canadians. I think there is a pretty universal realization that the ancient Greeks were correct in their concept of balance between mental and physical activities, that we should all strive for perfection of the whole self. I think most senators would share that assumption.

Why do I say all of this today? I am confident that most of us would agree that the historic objective of our institutions of higher learning is to cultivate and nourish the spirit of excellence

both in the lecture halls and on the playing fields of our country. Football in itself is a kind of flagship sport. To many, it is a treasured tradition. More often than not, it proves to be a valuable rallying call for many of our alumni to come home. It is a link to the past and a promise for the future.

To all the universities across Canada and their young, determined, high-spirited athletes who began their tentative quest for the Vanier Cup in the lag days of summer and the exciting, colourful, crackling days of the early autumn, we say, "Well done, better luck next time, keep the faith, keep up the fight, never give up. Higher! Faster! Stronger!"

A special tip of the hat to those talented, fleet-footed, sipsy-doodling leather luggers from St. Mary's who came to win, accomplished their task and added new lustre to the institution and to a program that is the envy of the nation.

• (1410)

### AGRICULTURE

#### DECLINE IN NUMBER OF YOUNG FARMERS

**Hon. Donald H. Oliver:** Honourable senators, our agriculture industry is in a crisis, but this is not new. High costs, bad weather and foreign subsidies have been hurting Canadian farmers for years. Now, new census information reveals a greater threat to the agricultural industry in Canada: fewer young farmers.

The 2001 census information indicates that our farmers are proportionately older because fewer young people are choosing farming as a career. Older farmers have stayed put and kept farming, while younger people get involved in more profitable sectors like agri-business. The number of farmers fell by 10 per cent over the last five years. One third of those who remain will turn 65 within the next 10 years. Younger farmers make up a mere 12 per cent of all Canadian farmers currently in the field. This trend is devastating to rural Canada and casts doubt over the future of traditional farming in our country, as we know it today.

Honourable senators, we must ask ourselves: Why is this happening in a time when the actual size of farms has been on the rise and new technology has improved the quality of production? Many obstacles face new farmers in Canada today. Farm subsidies in other countries make it hard for our farmers to compete; capital gains taxes on transferred property and crushing start-up fees reduce profits to the point where many farmers cannot make ends meet without off-farm income.

The federal government also has a part to play in this devastating trend. Current agricultural policies favour support payments in sectors where the benefit is minimal and often not needed.



Honourable senators, I ask: Who will put food on our tables in the near future if nothing is done? The food will not grow on its own. The government must refocus its agricultural policies on the traditional farm, and the capital tax rules on farming equipment must be reformed. These measures will ease the financial burden young farmers face right now. Pressure must be exerted on foreign governments to reduce their subsidies so that a fair market can exist with more room for competition, allowing all farmers to compete on the same level. Immediate steps must be taken to address the decline of our national farming population, or we will no longer have traditional farms in Canada at all.

### INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

**Hon. Catherine S. Callbeck:** Honourable senators, yesterday marked a very important day. It was the International Day for the Elimination of Violence against Women. On this day, the United Nations General Assembly invites governments, international organizations and non-governmental organizations to raise public awareness of the problem of violence against women. While this day was only the third time that the UN has officially marked the day, it is a day that has been recognized by women's activists around the globe for over 20 years.

While rights and freedoms are a vital part of being Canadian, the unfortunate reality is that the rights and freedoms of women in Canada and around the world are shattered by violence. Fifty-one per cent of Canadian women have been victims of at least one act of physical or sexual violence since the age of 16.

While statistics like this are alarming, many efforts are being made to help women who have been affected by violence. From April 1, 1999 to March 31, 2000, 57,182 women were admitted to 448 shelters for abused women across Canada. In my home province of Prince Edward Island, Transition House Association received over 8,000 calls in the year 2000. The statistics are saddening, as they show that violence against women is all too common. They are important in that they indicate that women are using resources such as Transition House.

Honourable senators, it is my hope that one day we will not need the number of shelters that we have now. However, until that time comes, it is important that we raise awareness of the issue and support the organizations that strive to help women.

### KYOTO PROTOCOL ON CLIMATE CHANGE

#### BRIEFING BY MINISTERS

**Hon. Gerry St. Germain:** Honourable senators, last Thursday morning, there was a briefing organized by the government. The Ministers of the Environment and Natural Resources were the organizers. The notice went out at 4:56 p.m. on the evening prior to the 8:30 a.m. Thursday briefing. Specifically, the notice said:

Ministers Herb Dhaliwal and David Anderson invite all opposition members to a briefing on the Government of Canada's plan to meet our climate change objectives under the Kyoto Protocol.

In spite of the late notice, some of us decided to go to the briefing, specifically to learn the current details that the government has been promising Canadians relating to ratification and implementation of the Kyoto treaty. Since the two ministers had made the invitation to opposition parliamentarians and since this issue will most likely impact significantly on the people of my region and various other regions of this country, I wanted and expected to put direct questions to the government ministers. To my surprise, I found that the ministers had misrepresented their attendance by instead sending their ADMs. The ministers thought, it seems, that their time would be better served by briefing their own caucus members right across the hall, even though they had specifically invited opposition members to a briefing with them.

It must be said that the public officials did their utmost to provide details to those members of the Canadian Alliance caucus, the Progressive Conservative caucus and the Bloc Québécois caucus who were present. However, they were so restricted in their information, it was incredible. The government sent these ADMs in to read from prepared notes, and I believe that they were really sent to cover for the ministers. The government sent in these soldiers but did not arm them with all of the details of the Kyoto plan, possibly because the government does not have any details. That was borne witness by the questions that were placed to them and that unfortunately they were unable to answer.

Honourable senators, the government seeks to ratify an international environmental treaty, but this government has chosen to ignore the established procedures to effect such ratification. When will this government recognize that we cannot proceed to ratification until the necessary enabling legislation is first passed by the House of Commons? It is important that we follow the customary practices and procedures of Parliament.

### ACCESS TO CENSUS INFORMATION

#### SOURCE OF PETITIONS

**Hon. Lorna Milne:** Honourable senators, normally when I rise early in the day in this place, I am presenting a petition. I will be doing so later today. However, I thought honourable senators might be interested to know precisely where these petitions come from, particularly in their own areas. I will go through the list today. These petitions were collected primarily by Muriel Davidson of Brampton and Gordon Watts of Vancouver.

The petitions this week came from Surrey, Vancouver, Victoria, and Richmond, B.C., and the British Columbia Genealogical Society. In Alberta, they came from Crossfield and from Red Deer. In Saskatchewan, they came from Yorkton. In Ontario, they came from Kapuskasing, St. Catharines, Ancaster, Bradford, Toronto, the Smith Family Reunion, the Mississauga Family History Society, Etobicoke, Owen Sound and the British Home Children group in Kingston. In Quebec, they come from the British Home Children group of Sainte-Agathe, Inverness and Saint-Malachi, as well as from the Asbestos société d'histoire. In Nova Scotia, they came from Hilden, from New Waterford and from Halifax.

There were non-resident petitions collected in the provincial archives in Fredericton, New Brunswick and in Canning, Nova Scotia.

The Saskatchewan Genealogical Society collected a great number of names at their meeting. They come from Hawaii; Gig Harbor, Washington; Christchurch, New Zealand; Australia; the Tacoma Genealogical Society; the Reno Family History Centre; Title Research in London, England; the Gold Coast Family History Society of Australia; the Steere family reunion; the Casey family reunion; and the Family History Center in Traverse City, Michigan. One interesting petition from Michigan came from Canadians who work at Dow Chemical in Midland, Michigan.

Other petitions came from Kamloops, British Columbia; from Calgary; from Lethbridge; from Saskatoon, Lindsay and Toronto; from Pointe-Claire, Quebec; from Danville, Kentucky and Dingwall, Scotland.

Honourable senators, there is an interest around the world in Canadian history and genealogy. I will be presenting these petitions later today.

[Translation]

#### GREY CUP 2002

##### CONGRATULATIONS TO MONTREAL ALOUETTES

**Hon. Lise Bacon:** Honourable senators, I wish to join with Senator Graham in congratulating the Montreal Alouettes on last Sunday's magnificent win, which we all watched. I would also like to congratulate all those who attended the event for their great sportsmanship, whether they were from Edmonton, Montreal or elsewhere. That is the picture of Canada that needs to be seen.

### ROUTINE PROCEEDINGS

#### TREASURY BOARD

##### CANADA'S PERFORMANCE 2002—REPORT TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, two copies of the annual report to Parliament by the President of Treasury Board, entitled: "Canada's Performance 2002."

#### SCRUTINY OF REGULATIONS

##### FIRST REPORT OF JOINT COMMITTEE PRESENTED

**Hon. Céline Hervieux-Payette:** Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Standing Joint Committee for the Scrutiny of Regulations, concerning the permanent order of reference and the expenses incurred by the committee during the First Session of the Thirty-Seventh Parliament.

(For text of report, see today's Journals of the Senate.)

[ Senator Milne ]

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Hervieux-Payette, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

#### CANADA-JAPAN INTERPARLIAMENTARY GROUP

##### TWELFTH ANNUAL BILATERAL MEETING, SEPTEMBER 24-29, 2002—REPORT TABLED

**Hon. Jean-Claude Rivest:** Honourable senators, on behalf of Senator Poulin, I am honoured to present, in both official languages, the report of the Canada-Japan Interparliamentary Group following the Twelfth Annual Bilateral Meeting, held in Japan from September 24 to 29, 2002.

[English]

#### BANKING, TRADE AND COMMERCE

##### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. E. Leo Kolber:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 4 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

#### TRANSPORT AND COMMUNICATIONS

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MEDIA INDUSTRIES

**Hon. Joseph A. Day:** Honourable senators, pursuant to rule 58, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate not later than Wednesday, March 31, 2004.

#### ACCESS TO CENSUS INFORMATION

##### PRESENTATION OF PETITIONS

**Hon. Lorna Milne:** Honourable senators, I have the honour to present 831 signatures from Canadians in the provinces of B.C., Alberta, Saskatchewan, Ontario, Quebec, Newfoundland, Labrador and Nova Scotia who are researching their ancestry,



as well as signatures from 422 people from the United States, Australia, New Zealand, the United Kingdom who are researching their Canadian roots. A total of 1,253 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the confidentiality privacy clauses of statistics acts since 1906, to allow release to the public, after a reasonable period of time, of post-1901 census reports starting with the 1906 census.

Honourable senators, this makes a total now of 19,482 signatures to the Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this very important matter of Canadian history.

## QUESTION PERIOD

### FISHERIES AND OCEANS

#### DEPLETED COD STOCKS— PROPOSAL TO ALLOW LARGER FISHING BOATS

**Hon. Gerald J. Comeau:** Honourable senators, we have recently learned that the European North Sea cod collapse will be as devastating as the Canadian northern cod collapse, as announced privately to Liberal caucus members last week in Ottawa.

The European proposal is to go to smaller boats in order to reduce the pressure on their depleted stocks. In Canada, the Minister of Fisheries and Oceans has launched an initiative to go to bigger boats with even more catching capacity and higher capital outlay which will place even more pressure on the fishermen. It is counterproductive. They will have to catch more fish in order to pay the higher capital outlay.

Would the Leader of the Government in the Senate explain why her government would not consider the common sense European solution to ease pressure on our diminishing northern cod fish stocks?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question today. I will take forward a recommendation to the Minister of Fisheries that he examine the new policy that has come out of the northern European communities with respect to their attitude toward the cod fishery. What is significant is that neither cod fishery seems to be doing well. That is of dismay to a great number of Europeans and Canadians who are impacted by the cod fishery.

**Senator Comeau:** Honourable senators, I appreciate the fact that the Leader of the Government in the Senate will bring forth this suggestion to the Minister of Fisheries. If I may think out loud for a moment, perhaps we could ask Françoise Ducros to describe the mental capacity of those who would come up with the idea to increase catching capacity when the stocks are collapsing.

I ask the Leader of the Government in the Senate, who comes from Nova Scotia and who would understand the fact that smaller boats are actually less onerous on our fish stocks, to bring this kind of common sense approach to the cabinet table, and that

those who come up with these hair-brained ideas of increased fishing capacity not be able to bring forth these ideas anymore.

**Senator Carstairs:** I thank the honourable senator for his follow-up. There are several issues I believe should be put on the table. I know we were all in caucuses at lunch so word may not have reached the honourable senator that Françoise Ducros has, in fact, resigned. Of course, I would be delighted to bring that issue forward. I believe it is a positive suggestion, and I always bring forward positive suggestions.

• (1430)

## CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

### PROPOSAL TO PROVIDE EQUITY FINANCING AND LOAN GUARANTEES

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, while I am on my feet, I wish to address an issue that was raised by the Honourable Senator Oliver last week. I want to make sure that no confusion has arisen from the answer that I gave at that time. While I do not think that has been the case, there may well have been some confusion, and I wish to clarify my answer.

The Honourable Senator Oliver's question concerned a fund of \$100 million. He then made a connection with the concept of a financial institution. In my answer to him at that time, I did not clearly indicate that the \$100 million fund had already been announced. In fact, it had been announced on the Wednesday before the honourable senator asked the question. Therefore I would not want my answer to him to imply that it had not been announced.

However, remarks that were attributed by the media to the EDC and, incorrectly, to the Department of Finance were not connected to the African Investment Fund but, rather, to discussions that had taken place earlier on the prospective establishment of a development financial institution. Establishment of that development financial institution has not yet proceeded.

## FINANCE

### CHANGES TO DISABILITY TAX CREDIT

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate regarding the Disability Tax Credit. After losing a court appeal concerning an individual's ability to feed himself, the Minister of Finance announced on Friday of the Labour Day weekend that he would tighten the law so that an individual could only qualify for that credit if he could not physically move food from his plate to his mouth. On Wednesday of last week, November 20, 2002, members of the government party in the other place stood with the opposition in unanimously urging the government to back off on the planned changes to the disability tax credit.

In the face of such a clear expression of opinion from its own members in the other place, including several cabinet ministers, when will the government announce that it will not proceed with this draconian measure?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, clearly the message was received forcefully from the government benches as well as from the opposition benches last week. The Honourable Minister of Finance has indicated that he will take those reactions under serious contemplation.

As the honourable senator knows, while an announcement had been made, no legislation had followed. Thus, the matter is still at the stage of a potential change to the Disability Tax Credit.

## THE ENVIRONMENT

### RATIFICATION OF KYOTO PROTOCOL— CANCELLATION OF MEETING WITH MINISTERS OF THE ENVIRONMENT

**Hon. Gerry St. Germain:** Honourable senators, my question is for the Leader of the Government in the Senate relating to the Kyoto Protocol. The premiers are accusing the government of trying to divide and conquer, rather than trying to reach consensus.

In light of the controversy surrounding this issue, why would the Prime Minister be meeting with individual premiers, and thus causing the cancellation of the Friday meeting of the ministers of the environment?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, with the greatest of respect to the honourable senator, I do not think that the meeting was cancelled because the Prime Minister had decided to hold meetings with provincial premiers, not only about Kyoto but about a number of other issues as well. The meeting was cancelled because the government had asked senators and members of the other place to debate the motion on whether the government should ratify the Kyoto Protocol — which is not necessary, frankly, on the part of the government. In other words, the government does not need to have the approval of the Senate or the House of Commons in order to ratify a treaty. However, this government wants to hear from all members of both chambers and has, therefore, put forward that particular motion.

### RATIFICATION OF KYOTO PROTOCOL

**Hon. Gerry St. Germain:** Honourable senators, there is a strong possibility that the cabinet could approve the ratification independently. However, I am sure that the minister is aware that the Liberal government, as it did with the National Energy Policy, is fanning the flames of separatism in the West, which is totally ludicrous and totally unnecessary. Premier Klein has criticized the Prime Minister for proceeding with the debate on the ratification of the Kyoto Protocol without provincial consensus, a clear indication that the greatest opponent to ratification of the accord in its present form, without a plan, is prepared to work towards consensus. Why would the government, rather than working towards consensus, take on these provincial premiers, who are now ganging up on the government unnecessarily?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, there is a plan. It is not one that has found favour with every single premier in every single province of Canada. However, several provinces are on record as being totally in favour of what the government is doing.

The government is acting in a reasonable and responsible way, which is to ask parliamentarians their views on the Kyoto Protocol before the cabinet chooses to ratify.

**Senator St. Germain:** Honourable senators, they may be asking for approval but why would the Associate Deputy Ministers not answer our questions in regard to the plan? We asked the ADMs how much money would be set forward for this program. They could not give us an answer. If there is, indeed, a plan in place, they should be able to give us answers. The ADMs are not incompetent. They are excellent and competent people whom I have known for many years in the civil service, yet they could not answer.

**Senator Carstairs:** I was not at that meeting because I am not an opposition member, and therefore I do not know what answers the ADMs gave to you. However, this issue has been raised before in this chamber. Sometimes individuals are given answers but they do not like the answers.

## AGRICULTURE AND AGRI-FOOD

### DECLINE IN NUMBER OF YOUNG FARMERS

**Hon. Donald H. Oliver:** My question is a follow-up to questions raised last week about recent farm statistics put out by Statistics Canada. The latest farm census shows that only 11.5 per cent of farm operators are younger than 35 years of age. This is a dramatic drop from five years earlier. It coincides directly with the agricultural policies that this government has been pursuing since coming to power.

This trend has a social dimension that will affect the composition of farms and farm communities for years to come. Could the Leader of the Government in the Senate comment on this worrying trend from a social perspective with respect to the plight of rural Canada and what her government can do to make farming more attractive for young Canadians?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let us be clear: There are, in fact, 40,000 farm operators in this country under the age of 35. It is clearly an exciting venture for some of them.

The honourable senator is quite right when he says that the average age of farm operators has risen from 47.5 years of age in 1991 to 49.9 years of age in 2001. There has been an increase in the average age of farmers. There has also been an increase, interestingly enough, in the average age of individuals who operate small businesses. That, too, has seen an increase in the number of individuals and the age of individuals who are pursuing those ventures.

We are seeing some demographic changes in our country. The changes cannot be entirely attributed to agricultural policies. In fact, this government has been enormously supportive to agriculture throughout this country.

However, demographics show that young people today prefer to move into our cities. They are not remaining in rural communities. If they are not living in rural communities, they will not be farmers, and they certainly will not be small business operators in those same farming communities, which is of concern, and is a situation that we should be monitoring carefully.



**Senator Oliver:** Honourable senators, there are, in fact, obstacles. Some people have pointed out that some farmers must pay hefty capital gains taxes when transferring their property. Others cite the daunting start-up costs involved in building a farm operation large enough to generate a decent income. Could the Leader of the Government please tell us what the government intends to do about these obstacles to young farmers and would-be farmers? Since this is a pre-budget period, perhaps the Leader of the Government in the Senate would undertake to speak to the Minister of Finance and find out whether he is prepared to make some changes in capital gains and capital tax provisions for farmers?

**Senator Carstairs:** Honourable senators, with the greatest of respect, I think the honourable senator knows that when a farmer passes on a farm to his son or daughter, there are no capital gains. The capital gains come into play if a farmer sells to someone who is not a member of his immediate family. In that case, he should be paying exactly the same capital gains as would any other business that is sold, and not passed down from one generation to the next.

## NATIONAL DEFENCE

### ALLOCATION OF ADDITIONAL FUNDS TO BUDGET

**Hon. J. Michael Forrestall:** Honourable senators, I wish to ask a question of the Leader of the Government in the Senate based upon the welcome news from the Prime Minister and others that there may be some additional money forthcoming for defence spending.

• (1440)

The Prime Minister has said that we will see this money in the budget next February. Could the minister undertake to lend her good offices — in some instances she has proven to be successful in this — to urge upon her colleagues to commit, at a minimum, to funding the Canadian Armed Forces with an additional \$1.5 billion, which represents the money that they need immediately to cover current operations and meet their deficit?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator has, of course, indicated what the Prime Minister announced shortly following his first meeting with NATO, that there would be additional dollars for defence. While the Prime Minister has not put a figure on the table, he has indicated that it would not be the \$4 billion that has been requested by various organizations, including the Standing Senate Committee on National Security and Defence.

As to the representation of \$1.5 billion, I will bring that forward to the Minister of Finance who, as you know, is doing pre-budget consultations at the present moment.

**Senator Forrestall:** Honourable senators, sometimes it seems to me that the senator talks herself into and out of my good graces without too much trouble at all. If she is suggesting that the Canadian Armed Forces do not need an immediate injection of \$4 billion, a one-time item, into its financial stream in order to update, modernize and replace rusted-out equipment, then she is sadly wrong, or badly advised.

Will the Leader of the Government in the Senate give us some undertaking that she will at least press the government to ensure

that if we have to send troops to an Iraqi war, the government will cover the costs of that movement from new appropriations and not re-raid, if you will, the current, overly-strapped defence budget, which is, I repeat, in drastic need of a \$1.5 billion infusion.

**Senator Carstairs:** The honourable senator, in essence, asks a hypothetical question. I am still very hopeful that we will not be engaged in an Iraqi war, and therefore the issue of where we take those new appropriations from will not be an issue. I am hopeful that Saddam Hussein can be convinced to follow his obligations under Resolution 1441, that we will be able to rid that country of weapons of mass destruction, should they exist, and that the people of his country will not suffer the terrible calamity of war, because it is always the citizens, and rarely the leaders, who suffer those calamities.

## UNITED NATIONS

### IRAQ—TRAINING OF WEAPONS INSPECTORS

**Hon. Douglas Roche:** Honourable senators, last week I drew the attention of the Leader of the Government in the Senate to Resolution 1441, to which she has just referred, and which has within it a section mandating all countries to participate in the process to ensure that the inspection process is a bona fide process and, thus, not subject to faulty interpretation. Given Canada's desire to avoid war, what is the Canadian government doing specifically with respect to ensuring that Resolution 1441 is carried out in a bona fide way?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the fact is that we have inspectors on that roster and, as I understand it, two of those. In addition, Canada is supporting and hosting a five-week training course for inspectors, and we are currently evaluating a request to provide additional expertise for the Iraq action team. Those individuals will go with Canadian values, and I am hoping in that respect we will see fulfilled the spirit of Resolution 1441.

## FOREIGN AFFAIRS NATIONAL DEFENCE

### REVIEW OF FOREIGN AFFAIRS AND DEFENCE POLICY—REQUEST FOR DETAILS

**Hon. Douglas Roche:** Honourable senators, I thank the minister for her response.

I want to direct her attention now to a subject that we have discussed before, that is, the Speech from the Throne, now almost two months old, in which the government said that it would set out a long-term direction on international and defence policy and, moreover, that the government would engage Canadians in a discussion about the role Canada will play in the world.

When I raised this matter with the minister on October 9, the minister invited me to send ideas forward to her for the government, which I did in a letter of October 16. To put the letter in one sentence, it said that there ought to be a recognized body that would carry out this review, have public input and be appropriately organized, funded and publicized.

The minister was kind enough to reply to my letter on November 7, in which she said that she was forwarding a copy of my letter to her colleagues, the Honourable Bill Graham and the Honourable John McCallum, for their attention. I thank her for that.

Another three weeks have gone by, and we have not heard a word about the nature, the style or the content of a review of this extremely important subject. At this moment, Iraq is showing us a need for a long-range policy, and we have not heard a word. I am wondering what the government will do so that people across the country who are following this matter can have some clarification and guidance from the government as to how they can actually participate.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I cannot give the honourable senator any new information this afternoon about the process. As he indicated, he did write to me. I, in turn, wrote to him, but I also wrote to the Defence minister and also to the Foreign Affairs minister. At this point in time, I can give him no more details as to the process that will take place. As soon as I have those details and am able to share them with him, I will do so.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under "Government Business," I would like to deal with Item No. 2 under "Motions" first and then revert to the order proposed on the *Order Paper*.

[English]

### KYOTO PROTOCOL ON CLIMATE CHANGE

#### MOTION TO RATIFY—POINT OF ORDER

On the Order:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I rise on a point of order. Item No. 2 in the Order Paper and Notice Paper is a motion under the heading "Government Business." I question whether that is appropriately placed on the Order Paper because this is a motion dealing with a resolution that is proposed for the Senate to consider that calls on the government to do something.

It seems to me, honourable senators, that there is a something tautologous in the proposition, and it could hardly be a government motion calling upon the Senate to recommend something to the government. I have no difficulty in participating in the debate on this subject; however, I do not think it should be under "Government Business." I think it would be more orderly if it were placed under "Other Business."

[ Senator Roche ]

**Hon. Sharon Carstairs (Leader of the Government):** With the greatest of respect to the Deputy Leader of the Opposition, this is a motion that is being made by the government, and it is perfectly reasonable that it be located under Orders of the Day, Government Business and then Government Motions.

**Hon. Anne C. Cools:** Honourable senators, I am trying to follow the debate.

• (1450)

Senator Kinsella has raised a most interesting point. Close examination of the motion causes one to question what kind of motion it is. If Senator Carstairs is correct and it is a government motion, the government is proposing that the government be called upon to ratify the Kyoto Protocol on Climate Change. This is quite an interesting oddity because, unless I am totally mistaken, I understood that this motion was about the government calling upon Parliament to support its actions in respect of the Kyoto Protocol.

I have been reading up on this subject matter because it is before us and I was planning to speak to it, although obviously not today. The Prime Minister has repeatedly said, in the last several weeks, that he would be asking Parliament to ratify the Kyoto agreement. This has captured my attention because Parliament has no process whatsoever for ratifying treaties. As a matter of fact, the process of ratification is an act of the sovereign, acting alone, with her ministers and does not include Parliament. Ratification is an act of the executive. It is an act of the cabinet.

For many months now, I have been thinking that the Prime Minister would ask Parliament to support his actions, as cabinet is an executive. This will obviously need some sort of clarification, Your Honour, because the motion as written on the Order Paper is precisely the opposite of what the Prime Minister has been saying in all his public statements.

Perhaps we can look to some of the newspaper coverage. For example, if we were to look at the *Montreal Gazette* of October 31, 2002, the editorial headed "PM kills Kyoto talks" reads:

Mr. Chrétien invented the arbitrary Dec. 31 deadline himself, without consulting employers, provincial governments or even, it seems, his own cabinet. By year-end, he stubbornly insists, Parliament must ratify the Kyoto accord, committing Canada to reduce emissions of greenhouse gases by a good 20 per cent from current levels.

The same thought is repeated in *The Globe and Mail* of Thursday, November 7, 2002. The article, written by John Ibbittson, states clearly:

...then Mr. Chrétien will proceed with asking Parliament to ratify the accord regardless.

The same thing is said again in the *Ottawa Citizen* on November 16, 2002, in an article by Kate Jaimet, which states:



The summit provided an international stage for the prime minister's surprise announcement he would hold a House of Commons vote on ratification of the Kyoto climate change accord before the end of 2002.

Honourable senators, there is something very wrong with this motion being listed as a government motion. On the face of it, the motion is not the government asking Parliament to support the government. On the face of it, the motion has the Senate calling upon the government to ratify the Kyoto Protocol on Climate Change. There is something wrong with this. We would have to search and probe a little deeper because, as we know, these statements have been made as well, I believe, by Her Excellency Adrienne Clarkson before us in the Speech from the Throne on September 30. She said clearly in the Throne Speech that Parliament would be asked to ratify the Kyoto Protocol.

Honourable senators, those statements have also been made on numerous other occasions. It seems to me, as well, that Prime Minister Chrétien, when he spoke in Johannesburg, South Africa, in September this year, said the same thing.

It is a very interesting phenomenon because I do not understand how a government motion can be worded that the Senate calls upon the government to act. I would even go a little further and say that this motion is misplaced on the Order Paper. I am not too sure, because Senator Kinsella did not speak for too long, but his point was largely that it was misplaced on the Order Paper. Am I correct on that? Clearly, it is misplaced on the Order Paper. It is not a government motion because it is not a government initiative. The motion, as scripted, clearly is the initiative of the Senate. The motion clearly states "That the Senate will call on the government to ratify the Kyoto Protocol on Climate Change." Clearly, if the debate is to go forward with a bit more smoothness, it would be a simple matter to relocate the motion on the Order Paper.

There is a form of motion that can be moved by a government minister and not be a government motion. That is called an open question motion. Perhaps Senator Robichaud meant this as an open question. An open question motion is like a free vote. It means that senators can vote as they see fit.

I do not know how we should proceed, but this motion is about the Senate asking the government to take a particular action. This is not about the government asking the Senate to support it or even to ratify anything. I do not know if other senators wish to speak, but I think Senator Kinsella is absolutely correct: This motion is not, as scripted, an initiative of the government. If it is an initiative of the government, then it is a piece of deception.

**Hon. Laurier L. LaPierre:** Honourable senators, I rise on this point of order. I am going where angels fear to tread.

I have looked at this motion. As usual, I follow the logic of Senator Cools with great interest and respect. Parliament does not ratify treaties. I have absolutely no doubt about that, unless Senator Beaudoin tells me otherwise. It is the Queen, the Crown and the executive branch that do it in the name of the Canadian people.

Therefore, by the Senate calling on the government, which includes the Crown on behalf of the executive branch of the government, we are humbly begging the authorities whose power it is to ratify the Kyoto Protocol on Climate Change because it is an important document, because it is an important treaty and because the health of our children depends upon it.

As far as the government is concerned, Mr. Chrétien and others are demanding or asking that Parliament ratify the accord. I am sure that the Prime Minister, who has been around longer than have I, both in this house and in the other House, knows all the rules involved.

[Translation]

This is his way of saying that the document is important. I would very much appreciate it if my parliamentary colleagues, the members of the House of Commons and the Senate, would help me in declaring this document a priority in order that it be ratified.

[English]

Therefore, Your Honour, we should proceed to discuss Kyoto as quickly as possible so that we can be part of the process. When the House of Commons rises on December 13 and the Senate rises thereafter, there will then be a clear statement on the part of all of us that Kyoto is worth having and, therefore, that we wish to approve it.

• (1500)

**Senator Kinsella:** Honourable senators, the reason I raised this point of order is that there are consequences in our rules to items appearing or not appearing under Government Business. I refer honourable senators to rule 39, whereby, at any time, the government can decide that there has been enough debate on a particular item and invoke time allocation.

Consider the absurdity of the situation. If the minister as the representative of the government asks the Senate to tell the government to do something, it does not have to do it. The minister, in responding earlier today to a question, said as much. She is quite correct.

Consequently, my views on this particular motion, asking the Senate to call on the government to do something, to ratify the Kyoto Protocol, would not be that dissimilar to those of Senator LaPierre. However, in terms of procedure, it is quite unacceptable and quite out of order to place this kind of motion under Government Business. It makes a facade of the entire exercise, which many are arguing it is anyway. I digress, and that is a discussion for another time.

As far as the point of order is concerned, this item, as Senator Cools has pointed out, by the clear language of the motion, is having the government ask the Senate to tell the government to do something, and it is the government that is asking that it be asked to do something. It does not have to ask. It can do it. It can tell itself to do it.

More important, it would be abusive of the consequences of having this item under Government Business. It would multiply the facade of a serious consideration if, at some point in time, the government, not liking the way the debate is going, pulls the plug. That is not the intent of rule 39.

Rule 39 is typically been invoked when a government bill, typically introduced in the other place, has arrived here, and for whatever parliamentary reason, the Senate is not dealing with that bill as expeditiously as the government would like. The government would then invoke, in order to get its legislative business done, the time allocation or the guillotine. The guillotine is a consequence of having this motion under Government Business, and I object to that.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, the fact that this motion is under Government Business is not open to debate. The possibility of invoking rule 39 of the Rules of the Senate, on limiting debate, is completely hypothetical at this point.

This motion was moved in a notice of motion last week. That is why it is now under Government Business. The motion reads: "That the Senate call on the government..." It is the same when the government needs an opinion. The government calls on the Senate to study bills. There is a certain procedure that must be followed. In this case, the government is giving the Senate the opportunity to consider and vote on this agreement. We hope that the Senate will call on the government, which is one way of putting it, to sign the Kyoto Protocol.

Honourable senators, there is no reason to raise a point of order and we should proceed with Government Business.

[English]

**Senator Cools:** Honourable senators, I was following the debate with some interest. It seems that if we were to follow the logic of Senator LaPierre, and even the logic of Senator Robichaud, we would immediately be faced with a host of other problems.

I believe Senator Robichaud made a mistake when he said the government was calling on the Senate. The motion says that the Senate is calling on the government. However, it seems that, if I follow the logic of these two senators, we are now confronted with new problems that continue to make the motion quite defective and even out of order.

If we accept the logic of Senator Robichaud and Senator LaPierre that the Senate is calling upon the government, and the government also represents the Crown, then we have a situation where we are not dealing with any ordinary motion at all. This motion would then be in the form of a motion that we call an "address." If the Senate is trying to converse or have a communication with the Crown, the form of the parliamentary proceeding is an address.

For those honourable senators who do not know what an address is, Erskine May, 22nd Edition, at page 606 reads:

[ Senator Kinsella ]

An address to Her Majesty is the form ordinarily employed by both Houses of Parliament for making their desires and opinions known to the Crown as well as for the purpose of acknowledging communications proceeding from the Crown.

To follow Senator LaPierre's logic where he was describing the Senate as a supplicant to the government, which is what this motion does, since it is the Senate essentially praying to Her Majesty to ratify the Kyoto accord, Erskine May reads at page 607, under "Subjects of Addresses":

Addresses have comprised every matter of foreign or domestic policy, the administration of justice...

Down the page, Erskine May continues:

Addresses have been frequently presented praying that Her Majesty will give directions for the presentation...

— or whatever it is.

The phenomenon of this motion is that the Senate is calling on the government to ratify the Kyoto Protocol on Climate Change or that the Senate is asking the government to take these executive actions. Whatever it is, the fact of the matter is that it is very clearly a prayer. The motion does not say that the Senate orders the government or the Senate instructs the government. What we have here is a pretender motion. What we have here is a motion that is an address in drag disguise. That is what it is.

I will tell you why I believe that this is the case: All of the public relations and all of the press statements building up to the ratification of the Kyoto Protocol have been based on the premise that the government was asking Parliament to support it, to approve of what it was doing. I do not believe I am mistaken. I have done a survey of the press coverage. Suddenly the situation has changed. By this motion, it is not the government asking government to support it; it is Parliament asking the government to take this action.

To my mind, this is a pretender motion. The seriousness of it becomes even more consequential when one understands that the Prime Minister and the Government of Canada are currently locked into a major disagreement with the governments of a number of provinces in this land. This motion is asking us — by a prayer, by a pretender address — essentially to plead with the government to ratify this agreement.

• (1510)

All honourable senators can make their conclusions, but the manner in which this matter is proceeding is unparliamentary and extremely improper. It is offensive to the concept of a proper address as an expression of the opinion of the Houses to Her Majesty, and tends to put Her Majesty and Her Majesty's representative in Canada at a terrible disadvantage. I am certain that it would not be the intention of this house, or either chamber of the Houses of Parliament, to offer any indignity or insult whatsoever to Their Excellencies or to Her Majesty.



Honourable senators, there is something very wrong here and it should be corrected.

**The Hon. the Speaker:** I thank honourable senators for their comments on this point of order. While it may seem straightforward, this is an important matter and I will take it under consideration. I will have a ruling on it tomorrow or perhaps even later today, although we would be out of order in terms of a ruling later this day.

## OFFICIAL REPORT

### POINT OF ORDER—CORRECTION

**Hon. Gerry St. Germain:** Honourable senators, I rise on a different point of order, and I seek guidance from the Chair. This may be a question of privilege.

Honourable senators, Thursday last I posed a question in the Senate, to which there was a response from the Leader of the Government in the Senate. There were comments from another senator during the course of the response. Those comments were included in the blues but left out of the Official Report of Hansard. I refer to page 395 of Hansard. My question related to disparaging remarks toward President Bush. After I made a statement, Senator LaPierre said, "It is better than to be something\*\*." At that point, Senator Carstairs, the Leader of the Government, rose and spoke to the comment, which I was unable to hear.

I seek guidance on this. I think that what was reported in the blues should be in the Hansard of the day in its entirety. I do not know what the remarks were, but it is my understanding that they were in the form of a personal attack. Senator Carstairs, in her wisdom, stood and said:

Honourable senators, let me begin with a comment. What I have always found most refreshing about the Senate chamber is the degree of civility that prevails on all sides, and is practised by all members of this particular institution. I would recommend it not only to the other place but to Canadians generally in terms of our manner of speech and decorum.

Honourable senators, I am not that sensitive, but I do not believe this is the place for personal attacks while senators are asking questions or making comments.

I am asking that His Honour deal with this matter as he sees fit as the Chair of this institution. I would hate to see this institution reduce itself to the level of personal attacks. You can attack me for my politics or for any position I take, but I do not believe that senators on either side should participate in any way, shape or form in personal attacks, regardless of what position is held.

**The Hon. the Speaker:** Changes to the Official Hansard are dealt with as points of order. However, they are always specific in terms of either correcting language or, by agreement, changing the record. Senator St. Germain's point of order does not provide us with enough information to deal with this matter in that way. I believe it would be in order for him to raise this point of order if he has a specific request to make of the chamber, and that is customarily done by leave.

Senator St. Germain is quite right that there is a rule of the Senate admonishing us not to use sharp or taxing speeches in this place. We have had rulings on that subject. He is quite correct in terms of personal attacks, and the use of taxing or sharp language.

**Senator St. Germain:** Honourable senators, I would ask, if it is in order to do so, that the portion, "It is better to be something\*\*" be recorded in the record. That is all I am asking for. If that is asking too much, that is fine, I have stated my case.

**The Hon. the Speaker:** I do not know what it is, so we cannot deal with it in the normal way. I will undertake to see what I can find out. However, it would be incumbent on the honourable senator to request that the record be corrected to reflect what was said. As I said earlier, that is something we do from time to time.

Rule 51 reads:

All personal, sharp or taxing speeches are forbidden.

**Senator St. Germain:** I would ask that Hansard record what the blues showed.

**The Hon. the Speaker:** What do the blues say, Senator St. Germain?

**Senator St. Germain:** The blues state as follows:

**Senator St. Germain:** Yes, that is you. I know it is you, senator, that referred to him as calling him a moron. If that is the way you want to conduct yourself as a Canadian, it does not reflect the region that I represent.

**Senator LaPierre:** It is better than to be a something\*\*.

That is the portion that I request be included in the record.

**The Hon. the Speaker:** Is it agreed, honourable senators, that the record be corrected to show what is in the blues?

**Hon. Senators:** Agreed.

## PHYSICAL ACTIVITY AND SPORT BILL

### THIRD READING—MOTIONS IN AMENDMENT—DEBATE ADJOURNED

**Hon. Francis William Mahovlich** moved third reading of Bill C-12, to promote physical activity and sport.

He said: Honourable senators, I am pleased to speak at third reading of Bill C-12, to promote physical activity and sport. I would like to congratulate the Standing Senate Committee on Social Affairs, Science and Technology for its careful examination of Bill C-12. In addition, I should like to thank the witnesses for sharing their perspectives on this bill.

The committee heard from a variety of interests. The key issues raised were the accountability of the proposed sport dispute resolution centre to Parliament, official languages and the balance in the bill between physical activity and sport. Honourable senators, I will respond to these issues during the course of my remarks.

Bill C-12 symbolizes collaboration between the Departments of Canadian Heritage and Health Canada, which have worked closely to draft this bill. This bill is also the result of extensive consultations and exchanges with the sports community and with all levels of government. Their total support has made the existence of this bill a reality, and it is important that we recognize this.

Bill C-12 is long overdue. It will replace the 1961 Fitness and Amateur Sport Act, which is no longer representative of today's sports reality. Like many other countries, Canada must amend its legislation to adapt to new realities and to effectively reflect and strengthen the important role the Government of Canada plays with regard to physical activity and sport.

• (1520)

Starting with the title, the proposed legislation will replace "fitness" with "physical activity," which refers more to the action of being active instead of one of the end results. In addition, the legislation no longer refers to "amateur" sport. Few countries refer to amateur sport in their modernized legislation, as this concept is increasingly ambiguous, since professional athletes compete in the Olympics and amateur athletes collect fees at some competitions.

The proposed legislation responds to the recommendations of the 1998 report from the Standing Committee on Canadian Heritage Subcommittee on the Study of Sport in Canada. The subcommittee's report revealed the strengths and weaknesses of the Canadian sport system. Many witnesses were heard, and thanks to the dynamism and contribution of all the stakeholders in the sport community, the conditions to promote the advancement and profile of sport in Canada were brought together.

Following on the recommendations of the subcommittee, the Government of Canada launched a broad process of consultation. Between 1998 and 2000, approximately 500 representatives from the sport community were heard and their recommendations recorded. Many innovative ideas were brought up during the process.

To reflect on these recommendations, the National Summit on Sport, presided over by the Right Honourable Prime Minister, was held in Ottawa in April 2001. The summit strengthened ties between the Government of Canada, provincial and territorial governments and the sport community.

Advisory committees made up of experts on sports were created by the Secretary of State to elaborate on recommendations from the national consultation process and to propose measures for the implementation of the Canadian Sport Policy. This policy constitutes a truly national effort and is evidenced by its endorsement in April of this year by all of the federal, provincial and territorial ministers responsible for sport.

Entrenching the federal government's policies on physical activity and sport into the bill recognizes that physical activity and sport are an integral part of Canadian life and culture that provide health benefits and promote social cohesion, economic activity, cultural diversity and quality of life. It also demonstrates the Government of Canada's commitment to encourage and assist Canadians in increasing their level of physical activity and their participation in sport.

Honourable senators, Bill C-12 addresses the fact that physical inactivity is a major detriment of health and that most Canadians are not active enough to maintain good health. In our efforts to avoid a health care crisis, our goal must be to reverse this trend.

Physical inactivity is costly. The Subcommittee on the Study of Sport in Canada reported that reducing physical inactivity by 10 per cent can save \$5 billion annually in health care costs. Last year, provincial and territorial ministers responsible for sport approved a complete two-year work plan, including initiatives directed to underprivileged children, youth and other disadvantaged Canadians and agreed to foster access to physical activity.

Honourable senators, Bill C-12 also recognizes the Government of Canada's commitment to support the pursuit of excellence in sport and to build capacity in the Canadian sport system. Sport affects a very large number of Canadians. According to a 1998 general social survey, over 8.3 million Canadians aged 15 and over participate in sport on a regular basis.

According to a 2000 Statistics Canada survey, an estimated 1.8 million people are involved in sport and recreation organizations on a voluntary basis, not to mention the millions more who take part as parents, spectators, officials and administrators.

Given today's challenges facing sport, the proposed legislation clarifies, along with the title and the terminology, the existing ministerial mandate to adequately reflect and strengthen the role of the ministers responsible for sport and fostering, promoting and developing sport in Canada.

Over the past 10 years, the Canadian high performance sport system has experienced a large number of disputes over the selection of athletes on national teams and over doping in sport. Internal mechanisms of sport organizations have many limitations. To respond to the demands of athletes in sport organizations, the proposed legislation provides for the creation of the Sport Dispute Resolution Centre of Canada. This centre will provide equitable access to conflict resolution and can be used as an alternative to costly and lengthy court cases.

The creation of the centre demonstrates the importance given by this government to principles such as transparency, equity and diligence. It will place Canada at the leading edge internationally and will ensure stability, continuity and credibility to the alternate dispute resolution process.

Honourable senators, with respect to accountability to Parliament, concerns have been raised that the accountability of the sport dispute resolution centre is somehow diminished because it reports to the minister and the public and not Parliament. This policy position was not taken lightly. The sport community has said that it wants a firm federal commitment to an alternative sport dispute mechanism but that it was important, if not critical, that this mechanism not be, and more important not be seen to be a federal institution. The sport community said that if the mechanism were seen as just another federal institution, the success of the centre would be at risk.



The bill has been drafted to build in a responsible level of accountability to the government and the taxpayers of Canada, while at the same time creating a desired non-governmental organization in response to the express needs of the people whom the centre was designed to serve.

The manner in which Bill C-12 creates the sport dispute resolution centre has the support of the sport community, the House of Commons, and the Commissioner of Official Languages. In fact, the commissioner has testified that the Official Languages Act cannot apply to the centre for reasons of jurisdiction under the Constitution and is satisfied with that reality.

Turning to the subject of official languages...

[Translation]

This brings me to the criticism that the bill does not satisfactorily address the commitment to Canada's official languages.

[English]

These concerns are difficult to understand given that the bill's preamble expresses a clear and unequivocal commitment to strengthening the bilingual character of Canada and to promote physical activity and sport having regard to the principles set out in the Official Languages Act. The words "strengthening the bilingual character of Canada" come directly from the Official Languages Act.

Bill C-12 will enable the minister to take measures to encourage, promote and develop physical activity and sport, which, when necessary, can include measures to advance and protect the equality of status and use the English and French languages.

Bill C-12 requires the Sport Dispute Resolution Centre of Canada to offer its services to and communicate with the public in both official languages of Canada, and that the board of directors makes bylaws with respect to the conduct and management of the centre, including the establishment of policy respecting the official languages of Canada.

As well, Bill C-12 requires that the minister use the guidelines to appoint the centre's board of directors and address the diversity and bilingual character of Canadian society.

I should now like to address the concern that Bill C-12 is somehow biased toward sport and views physical activity as a poor cousin.

• (1530)

The title of Bill C-12, "An Act to promote physical activity and sport," is the first clear indication that the government holds both of these objectives in equal esteem. The preamble treats equally both physical activity and sport. Strong policy objectives are stated for both physical activity and sport. The objectives of the act are to encourage, promote and develop physical activity and sport in Canada.

The legislation enshrines the new Canadian Sport Policy. This new policy, recently signed by the federal, provincial, and territorial ministers responsible for sport, commits governments to address the problem of declining physical education in schools, an important cause of physical activity.

Bill C-12 allows for the Governor in Council to designate the member or members of the Queen's Privy Council for the purpose of this act. This recognizes that more than one minister can play a role in promoting physical activity and sport, as is the case today with the primary responsibility for physical activity lying with the Minister of Health and the primary responsibility for sport residing with the Minister of Canadian Heritage.

The government's commitment to physical activity is strong and clear, as evidenced in the 2002 Speech from the Throne in which the government committed to move ahead with an action plan in health policy areas under its direct responsibility, including working with its partners to develop a national strategy for healthy living, physical activity and sport, and convening the first ever national summit on these issues in 2003.

Health Canada has already begun to move ahead with the development of a healthy living framework that recognizes the importance of lifestyles choices in the health of Canadians, and will include a physical activity component.

[Translation]

Honourable senators, I would like to mention that Bill C-12 has been a long time in coming and it is the result of many years of widespread public consultations.

[English]

It sets out the government's policies in physical activity and sport, and provides the tools to encourage these two important elements that affect the lives of millions of Canadians. It is important to remember that Bill C-12 is enabling legislation. It does not provide solutions; it provides the tools for government to find the solutions.

Canada needs this legislation to encourage and promote all Canadians to improve their health by integrating physical activity into their daily lives, and to increase their ability to participate and succeed in sport to their desired level of excellence. Honourable senators, I urge you to pass Bill C-12 without delay.

**The Hon. the Speaker:** Will the Honourable Senator Mahovlich permit a question?

**Senator Mahovlich:** Yes.

**Hon. Wilbert J. Keon:** Honourable senators, first, let me commend the honourable senator for his role in this legislation. Second, let me say that the principles involved here are commendable. However, as I indicated the other day in committee, there are things about this legislation that really concern me.

There is a false assumption implicit in the legislation that sports are good for health. While physical fitness is good for health, physical activity sometimes is lethal to patients with certain medical conditions, if it is unsupervised, and sports in particular are frequently damaging to health. There is overwhelming evidence that there are huge health bills as a result of sport early in life, as it relates to injury, damage to the musculoskeletal system, and damage to the neurological system, which is tragic and can result in great disability.

My question to Senator Mahovlich is the following: I raised the other day the need for some continuity when this legislation is implemented; some continuity that would allow for appropriate educational programs so that we do not have this blind promotion of sport, particularly sport that is not good for people. I am asking the honourable senator if he will make this a mission, since he is so highly respected in this field in Canada, and should be, to follow this legislation and see that, in the long run, the legislation will, in fact, promote good health rather than bad health in many people?

**Senator Mahovlich:** Honourable senators, this legislation will provide solutions. It gives the government the tools to find the solutions. I agree with the honourable senator; there are all kinds of sports that are most damaging. We see it all the time. With this legislation, the government has a beginning and is committed to advancing our children in sports that are good and healthy for our minds and physiques. It is important that we pursue this goal.

**Hon. Lowell Murray:** Honourable senators, let me begin where Senator Mahovlich and Senator Keon left off. It is with regard to the distinction they make between physical activity on the one hand, and competitive sport on the other.

Bill C-12 is entitled, "An Act to promote physical activity and sport." Senator Mahovlich, in his remarks today, properly and accurately reflected some of the discussion at the meetings of the Standing Senate Committee on Social Affairs, Science and Technology on this very matter. At the first of the three meetings that the committee devoted to this bill, our friend Senator Morin focused on a serious deficiency in this bill. He let us know, and he let the officials of the government know, that while the bill is entitled "An Act to promote physical activity and sport," the bill is deficient where physical activity is concerned.

Senator Morin referred to the progress and innovation that has taken place on the physical activity side of the equation over the years. He let us know that the knowledge and understanding by members of his profession of the links between physical activity and health have increased substantially over the years. Senator Morin saw this bill as an opportunity to the government to introduce new policies, new mandates, new objectives, but an opportunity that, unfortunately, had been missed.

Senator Morin also said that the references in the bill to physical activity were virtually word for word those that could be found in the original 1961 legislation, which this bill will repeal. He pointed out also that correcting the problem of obesity, which I believe he said is a problem with one third of the population and is growing more serious with young people, is one of the priorities in the health field today.

• (1540)

Over the next several meetings of the committee numerous honourable senators, almost everybody on the committee, returned to this theme, namely, the importance that we must attach not only at the federal level but at other levels of government to physical activity and to the link between physical activity and health. Senator LeBreton picked up on it, as did Senators Cook, Léger, Callbeck, Cordy and Roche, to mention a few. They were particularly insistent on the need for more attention to be devoted, notwithstanding the constitutional situation that we all understand, to the schools and to the education system here.

One of the witnesses before the committee was Mr. Rick Bell from the Coalition for Active Living, an organization that, I hasten to say, receives funding from Health Canada and which appears to be a federation of various national and regional groups. Mr. Bell pinpointed clause 5, which sets out the objects and mandate of this legislation. While, as he pointed out, there is a certain bow to physical activity, it is really couched in wonderful generalities, whereas most of the provisions of that clause would enable the minister to assist sport activity, as distinct from physical activity, at various levels.

The minister and his officials took the position, as Senator Mahovlich has repeated today, that this is enabling legislation and, in any case, sport activity is more structured and organized. This is why the provisions relating to sports are more explicit and mandatory than are the provisions relating to physical activity generally.

They also point out — and this may be the nub — that physical activity is really a health issue, which is to say that it comes under the Minister and the Department of Health. Senator Morin said on this issue, I think quite properly, that Health Canada, far from increasing its activity in this sphere in recent years, has cut back, notably in the program that we understood under the label "Participation."

The Secretary of State for Sport stated that provincial and territorial ministers had signed on to a Canadian policy that includes a specific requirement that physical activity and education in schools will be increased. I think the Senate should know about the discussions that took place in the committee on this matter. I take it to have been the consensus of the committee that this bill, while it has quite commendable provisions relating to sport, is not very encouraging when it comes to doing anything concrete in the field of encouraging physical activity. It is also the consensus of the committee, if I may make bold to interpret it, that more ought to be done by the federal government and, perhaps, by Health Canada to drive home to Canadians the important causal link between physical activity and health.

Honourable senators, I think you know from second reading, and if you followed the committee proceedings, that my preoccupation and that of several other senators has been with the lack of accountability of the proposed sports dispute resolution centre. I will not repeat what I said at second reading. The bill does not provide for sufficient ministerial



oversight or, indeed, for any parliamentary accountability at all on the part of this new centre. While, as I said at second reading, this is not an enormous sum of money — it looks like a budget of about \$1 million a year and a relatively small complement of personnel — there is a principle to be noted and a precedent that I wish we could avoid here, that of setting up these organizations supposedly at arm's length but not at all accountable to Parliament or to government.

This issue was canvassed at the committee. We had the officials and the Secretary of State and various proponents from the sports communities. One of the things that I find troubling is the casual attitude that some citizens take toward accountability. They seem to think that it is not only normal but a quite welcome development that Parliament should create and fund bodies that then are free not only to do what they want in their chosen field but also to be completely outside the ambit of ministerial oversight or of accountability to Parliament. Something is wrong here, if this is the attitude that is taking hold in the country.

The minister, officials and others defended this lack of accountability and explained it, as Senator Mahovlich did today, by saying the centre should be independent of government, free from political interference and flexible in its operations. Those were the watchwords and clichés that were sent forward in defence of this regime.

Honourable senators, we agree that the centre should be independent and free from interference. It should be flexible in its operation, and it will be. This legislation lets it be free from interference and flexible in its operation. However, the centre is being created by an act of Parliament. It will be funded by Parliament. We want Parliament to insist that certain basic minimum standards of accountability be respected.

This centre is being set up under something called the "Alternative Service Delivery Policy" of the Treasury Board. I obtained a copy of the guidelines that are sent to departments of government by the Treasury Board when this Alternative Service Delivery Policy is being invoked. It seems to me that the centre fails on a number of counts. Some of the questions that the Treasury Board puts to departments when they are considering an alternative service delivery model are the following: Does the new arrangement provide an appropriate decision-making role for ministers? The answer to that is "No." Are the arrangements appropriate for reporting results and other relevant performance information to ministers, Parliament and citizens? The answer there, obviously, is no — certainly not so far as the minister and Parliament are concerned. Will there be openness that is conducive to disseminating information to the public, either formally through the Access to Information Act or routinely through informal channels? This document states:

The *Access to Information Act* and the associated policies are based on the principles that:

- information should be made available to the public,
- exceptions to the right of access should be limited and specific,

- decisions relating to disclosure of information should be reviewed independently, and
- heads of government institutions are responsible for ensuring that their institutions comply with the Act and for making any required decisions.

What about the Privacy Act? The question that is put in the Treasury Board guidelines is this: Are there appropriate provisions to ensure the privacy of Canadian citizens? Will there be a regime in place that protects personal information from unauthorized collection, use or disclosure? And the document continues. None of this applies to this proposed new centre — none of it. The centre is to be exempt, if this bill goes through as it is presently drafted, from all those requirements.

• (1550)

Honourable senators, I really believe we should strike a small blow for accountability to the government, and Parliament, by amending the bill in the following respects. These are so fundamental that I cannot believe serious, principled objection can be taken to them by the government, or by the supporters of the government here or in the other place.

I think we should at least require, with respect to this new sports dispute resolution centre, that the minister be obliged to table the corporate plan and the annual report in Parliament. How on earth would that requirement interfere with the flexibility or the autonomy of the proposed new centre? The short answer is that it would not. It could not. However, it preserves some modicum of accountability to Parliament that I think is our duty to insist upon.

As I pointed out at the committee, the Minister of Canadian Heritage, I think, tables the annual report of the CBC/Radio-Canada, every year. Because she is required to do that and because the report can be up for discussion, no one suggests that somehow ministers or parliamentarians are interfering in the internal operations of the CBC.

I think we should have an amendment to require that the Auditor General do the books. That is hardly political interference. That, surely, is asserting our right as parliamentarians to ensure that there is due diligence so far as the money that we will be called upon to vote them every year is concerned.

There is a provision in this bill — I pointed it out at second reading — that would permit the minister to dissolve this centre that is being created by Parliament without ever having come back to Parliament, and to distribute the assets of the centre to like-minded organizations. I think that provision should be deleted from the bill.

I believe that the law on Access to Information and the Privacy Act should be made applicable to this centre. This is the most basic, fundamental framework of parliamentary accountability, and I believe we should insist upon it.

Senator Mahovlich referred to the question of official languages. There were some concerns raised by the Commissioner of Official Languages concerning the linguistic provisions of the bill in general, and several provisions in the clauses establishing this proposed new centre: subclause 9(5) requiring that the centre offer its services to and communicate with the public; subclause 14(3)(b) requiring that the board of directors be representative of the bilingual character of Canadian society; and subclause 17(g) authorizing the board to make bylaws regarding the establishment of official language policy for the board.

Now, I had been and still am of the opinion that the matter of official languages could and should be covered by subjecting this proposed new centre to the Official Languages Act. However, the government has insisted that there is a jurisdictional issue here: that while we are setting up this centre under our own federal authority, the actual activity that the centre will be involved in, which is the resolution of disputes, comes under property and civil rights under the Constitution, and therefore there would be jurisdictional problems in applying the Official Languages Act to it. The Commissioner of Official Languages accepts this argument, understands the difficulty and is satisfied with the clarification that was made regarding language provisions that will be applicable to the centre, so she is not pursuing her earlier recommendation that the centre be made subject to the Official Languages Act, and neither will I.

However, to me, the government's argument regarding the Official Languages Act demonstrates some of the hazards of creating these hybrid creatures, half in and half out of the federal government — created by Parliament, funded by Parliament, not accountable to Parliament, and defined by what they are not. That is what this bill does. It defines this centre by what it is not: Clause 9(2) states that the centre is not an agent of Her Majesty; clause 9(3) says that the centre is not a departmental corporation or a Crown corporation within the meaning of the Financial Administration Act; clause 9(4) says that for the purposes of the Federal Court Act, the centre is not a federal board, commission or other tribunal within the meaning of that act; clause 14(4) says that its guidelines are not statutory instruments for the purpose of the Statutory Instruments Act; clause 17(3) says that its bylaws are likewise not instruments for the purposes of the Statutory Instruments Act; clause 26 says that its directors, officers, employees are deemed not to be employed in the Public Service.

You see what we are doing here. We are creating these hybrid organizations — Parliament is creating them, Parliament is funding them, but they are not accountable to Parliament. We are left to speculate, I suppose, not only on what they are doing but also on our own responsibilities for them.

I think we should insist on a minimum of structured accountability to Parliament in this new centre. I hope and believe that some of the amendments I have suggested will be forthcoming, but I will begin by moving one of my own to provide that the corporate plan and the annual report be tabled in Parliament.

#### MOTION IN AMENDMENT

**Hon. Lowell Murray:** Honourable senators, I move, seconded by the Honourable Senator Oliver:

[ Senator Murray ]

That Bill C-12 be not now read a third time but that it be amended

(a) in clause 32 on page 13, by adding after line 27 the following:

“(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan.”,

and

(b) in clause 33, on page 14, by adding after line 11 the following:

“(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment of the Honourable Senator Murray?

[Translation]

**Hon. Jean-Robert Gauthier:** I would like to speak to what I think is a good motion. May I have a copy?

Honourable senators, we are asking the new centre, which would be created under Bill C-12, to table its working plan through the minister responsible. This is the start of Parliamentary accountability. It is absolutely critical to know the action plans of these organizations and to debate them in the Senate. We are responsible for the money that this centre will distribute. We are accountable to Canadians to know if the centre will be able to fulfil the requirements set out in the legislation.

• (1600)

I would like to bring a different perspective to this motion regarding official languages. Senators Mahovlich and Murray have both spoken about this issue. It is important that it be discussed in the Senate. I am not a member of the Committee on Social Affairs, Science and Technology. In the Senate, any senator may attend committee meetings and take part in the debate. In the case of Bill C-12, I participated in the work of the committee.

I am not fully convinced, even though there was some movement by the minister towards a certain linguistic equality, that he understood the amendment regarding the preamble.

The bill's preamble makes reference to the bilingual character of Canada. At committee, and here in the Senate, I was told that the wording was taken from the Official Languages Act. I recognize this. This wording has been part of the Official Languages Act for years, and it is time that it changed. Why? I would like to replace it with a notion of linguistic duality. Why? Because it reflects the reality of today rather than the reality of yesterday.



I have been on the Hill for some years now. Let me tell you, the word "bilingual" is not very popular with the people of Canada. There are nineteen million Anglophones who speak no French, are not bilingual, but claim to be full-fledged Canadians. I say no to them. We have two official languages. Are the four million Canadians living in Quebec who do not speak English, full-fledged Canadians? Of course they are! The term "bilingual" has probably been poorly explained, and misunderstood. There is the concept of individual bilingualism. All Canadians are free to learn another language if they wish and, if they learn another official language, so much the better!

Then there is the concept of institutional bilingualism. The government, Parliament and all of its institutions must be capable of serving Canadians in their language of choice. It is absolutely elementary and basic to require all federal institutions to be capable of serving Canadians in both official languages.

Senator Mahovlich has said that the centre is not a federal institution. I acknowledge that. The government does not want to recognize this new centre as a federal institution, on the grounds that it comes under provincial jurisdiction. Many of the conflicts it resolves fall under provincial jurisdiction. The federal government would not want to interfere in this.

I have read legal opinions on this matter. I accept, with a certain degree of reluctance, that this centre is not subject to the Official Languages Act, because it is not a federal institution. I acknowledge that fact.

As Senator Murray has said, however, if we pass this bill, and if we determine its operation and its application and if we cover the cost — the budget is not huge, but that is not a concern — in principle, if we are to cover the cost, this means we are accountable to the Canadian people. Accountability is important, and essential.

Honourable senators, we have recently had some not very pleasant experiences relating to bilingualism. You are no doubt all aware of what happened last week in Edmonton. There was some question as to whether the national anthem was to be sung in both official languages, or just one. Fortunately, the decision was to use both. There is an obvious duality in Edmonton.

Incidentally, I congratulate the Montreal Alouettes on their Grey Cup win. I am not a supporter, but they have shown one thing: determination. They have been wanting the Grey Cup for 25 years. I was pleased for them, but my CFL team is Ottawa.

Honourable senators, the reason I am supporting Senator Murray's amendment is because of my concern for Parliamentary accountability. I have served for a total of 30 years in the House of Commons and the Senate. I have always been concerned about accountability. I was even chair of the Public Accounts Committee for years. I made sure that every federal institution came before the committee to defend its estimates. Since we were accountable to the Canadian public, we had the information required to defend the funds requested.

Honourable senators, I reserve my right to speak to the main motion at a later date.

[English]

**The Hon. the Speaker:** Senator Roche, do you wish to speak to the amendment?

**Hon. Douglas Roche:** Honourable senators, I wish to —

**Hon. Francis William Mahovlich:** If I may, I wish to answer Senator Gauthier.

**The Hon. the Speaker:** The Honourable Senator Mahovlich may put a question or make a comment, but he may not answer because it is not his time.

Would the Honourable Senator Gauthier permit a comment?

**Senator Mahovlich:** Honourable senators, I should like to answer.

**The Hon. the Speaker:** Honourable senators, the Rules of the Senate provide that one may put a question or make a comment.

**Senator Mahovlich:** I have a comment concerning accountability. Bill C-12 includes many provisions in respect of accountability. Clause 14 states that the directors are to be appointed by the minister. Clause 27 establishes an audit committee consisting of at least three directors. Clause 28 provides that the accounts and financial transactions of the centre are to be audited annually by an independent auditor. Clause 31 states that relevant provisions of the Canada Business Corporations Act apply. Clause 32 requires that the centre prepare a corporate plan for each fiscal year and deliver a copy to the minister. The minister is accountable to Parliament.

**Some Hon. Senators:** No.

• (1610)

**Senator Mahovlich:** Is the minister accountable to the government? Clause 33 states that the board of directors shall deliver an annual report to minister. Clause 34 provides that for an annual public meeting to discuss the report and other matters. Finally, clause 35 outlines that the minister maintains the authority to dissolve the centre.

**Senator Lynch-Staunton:** Shame! What was the question?

**The Hon. the Speaker:** Senator Mahovlich has made a comment. It is provided for under the rules. He may also speak on the motion in amendment. I gather that was a comment. Senator Gauthier is entitled to respond if he wishes.

**Senator Gauthier:** I understand the role that Senator Mahovlich is playing in regard to Bill C-12, and I believe he is doing a great job. The only point I am trying to make is that the Auditor General should be involved here. All commissioners, be it the Privacy Commissioner, the Commissioner of Official Languages or any other, should also be agents of Parliament, which they are. They are our representatives and speak for us. They should be able to look into this organization to ensure that it complies with the established methods that we have before us to provide for accountability.

I can tell honourable senators right now that I will be looking at this organization to see how effective it will be. That will be the end product here. How effective will it be solving problems? How effective will it be in reaching out to all Canadians? I am sure the honourable senator understands what I mean.

**Senator Mahovlich:** I do understand the honourable senator.

The expression "linguistic duality" is not an expression in the Official Languages Act, but I do agree that we should change the Official Languages Act. I like that expression.

**Senator Gauthier:** I completely agree that the phrase is not in the bill, but it should be. I tried hard to get it into Bill S-7 in the last session, but I did not succeed. However, neither is the word "bilingual" in the Official Languages Act nor "bilingual" in the Constitution of this country. Honourable senators will not find the word "bilingual" in the Constitution of Canada. We do find the two official languages, though. There is a quid pro quo here.

**Senator Mahovlich:** There is much work to be done.

**Senator Roche:** Honourable senators, I wish to propose a sub-amendment to the amendment of Senator Murray. I begin by expressing my full support for Senator Murray's amendment and the position that he took in his address. Senator Murray, in his speech, touched on an area that will be the heart of the sub-amendment that I will propose; that is, the question of the dissolution of the centre, which is contained in clause 35.

Clause 35, honourable senators, states that the minister may, by order, dissolve the centre for a central reason if he is satisfied that the centre has failed for a period of one year to carry on its affairs and business. I ask the question: What is the criterion that the minister will use?

In raising that question, I wish to speak to the principle at work here. This bill will establish the sport dispute resolution centre, which, after it is set up by law, can then be dispensed with at the choice of the minister. The bill does not say what the specific criterion is, nor does it give us, who are causing the centre to come into existence, any say in ending it.

This is a matter of some concern to me, honourable senators. I recall an instance when legislation provided for the establishment of a body that was then ended by the government of the day, without recourse to legislative action. That was the establishment in the late 1980s of the Canadian International Institute for Peace and Security, otherwise known as CIIPS. It, too, had a board. It, too, was funded. It, too, operated at arm's length from the government. However, in circumstances that were never fully explained to the public, the government of the day at a later period decided to do away with it.

That is wrong. If something is important enough to be established by legislation, then surely the lawmakers who have enabled the organization or the centre to be set up should have some say in its demise.

[ Senator Gauthier ]

Honourable senators, the sport dispute resolution centre is central to this bill. The work done by the Standing Senate Committee on Social Affairs, Science and Technology, which examined this bill, certainly went into this in some detail. The summary of the bill states that:

The enactment establishes the Sport Dispute Resolution Centre of Canada, an independent organization whose mission is to provide to the sport community a national alternative dispute resolution service for sport disputes, and expertise and assistance in that regard.

When we come to the bill and the actual establishment of the centre, clause 9(1) reads:

A not-for-profit corporation is hereby established to be called the Sport Dispute Resolution Centre of Canada... which shall include a dispute resolution secretariat...

There is no option given here. The centre "shall" provide a dispute resolution process. That must be encoded into law if this bill is accepted the way it is.

Clause 12 provides that:

The affairs and business of the Centre shall be managed by a board of directors...

There is no option. The precise manner in which the operation of the centre will be under the purview of these directors is set out. However, despite the imperative quality of the language establishing the centre, we are left with a permission that is to be given to one individual, the minister, who will be able to end this centre.

If it was the original intent of the government that this centre operate at the discretion of the minister, why did the government not say this in the beginning and provide for legislation that would enable the minister to set up the sport dispute resolution centre. Therefore, if he sets it up, given the permission under the legislation, he then would logically have the right to end it if, in his judgment, it should be ended. However, that is not what the bill does. The bill does not give the minister permission to set up the centre. The bill says that, under law, the centre shall be set up and so run, funded, operated and supervised by a board.

• (1620)

Honourable senators, I believe that, under clause 35, the minister ought not to have the power to dissolve the centre. I would like to underline that I do consider this centre important. I consider it so important that, once it is established, I want it to be there. I want the Parliament of Canada that enabled this centre to be set up to have some say in whether it will actually be continued after some period.

Honourable senators, I have more things to say in relation to this bill. However, I shall confine myself in this intervention to focussing on the point that I have been trying to make. I now make that point: The minister shall, himself, have some



accountability in any exercise of clause 35. This is the point of Senator Murray's amendment, that the minister shall be accountable to Parliament. Thus, my amendment is aimed at providing the accountability if the minister so exercises clause 35.

Thus, honourable senators, I move, seconded by Senator Murray:

That the amendment be amended by adding:

(c) The minister, in exercising clause 35, shall include in the annual report the reason for the dissolution of the Sport Dispute Resolution Centre.

**The Hon. the Speaker:** It is difficult to know until the motion is put exactly what the motion will be. In the case of this sub-amendment, before I put the question, Senator Roche, I should draw to the attention of the honourable senators the provisions of *Beauchesne's Parliamentary Rules & Forms 6th Edition* at paragraph 580 that deals with sub-amendments:

(1) The purpose of a sub-amendment (an amendment to an amendment) is to alter the amendment. It should not enlarge upon the scope of the amendment but it should deal with matters that are not covered by the amendment. If it is intended to bring up matters foreign to the amendment, the Member should wait until the amendment is disposed of and move a new amendment.

(2) A sub-amendment must attempt to explain the substance of the amendment and may not substitute an entirely new proposal.

This sub-amendment does not do that. However, I question whether this is an elaboration or variation on something in the amendment, or whether it is a new matter. Accordingly, I ask for leave to proceed with putting this amendment forward in order that it is clear that honourable senators are aware of this concern, and that we are proceeding knowing that and doing so with leave.

Is leave granted, honourable senators, to put the amendment?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am a bit confused. Why should we give leave? In no way do I mean to prevent Senator Roche from proposing an amendment. There are certain procedures that must be respected. A sub-amendment may not be added to an amendment currently being considered by the Senate.

Are we to suspend the Rules of the Senate in order to allow Senator Roche to propose his amendment to the Honourable Senator Murray's amendment so that both may be considered a single amendment? I would like to understand.

[English]

**The Hon. the Speaker:** Senator Murray's amendments amend clause 32 and 33 of Bill C-12. Senator Roche's sub-amendment deals with clause 35 of the dissolution. Senator Murray's amendments deal with the annual report and the corporate plan. That is why I rose, to indicate that this is more than a sub-amendment. If we are to proceed to include it with Senator Murray's amendment, we should do so with leave.

I take it from the comments of Senator Robichaud that leave would not be granted.

**Senator Robichaud:** No.

**The Hon. the Speaker:** Perhaps not.

Before I say more, perhaps I should hear from Senator Roche and Senator Gauthier.

**Senator Roche:** Thank you, honourable senators. My sub-amendment purports to include in Senator Murray's amendment something that was not there but which is directly relevant to the annual report that Senator Murray's amendment deals with. Although I mentioned clause 35, that was only to indicate what it is that I am talking about: namely, that the annual report, which is the centrepiece of Senator Murray's amendment, would have to include the reason that the dissolution of the centre is being invoked, which the minister can do under clause 35. Clause 35 is not central to my sub-amendment. What is central is the annual report, including the permission for the minister to dissolve the centre. That is why I wrote it in the way that I did.

**Senator Murray:** Honourable senators, I believe there are a number of problems here. First, because I heard Senator Roche speaking to this issue at committee, I had hoped that he might present an amendment simply to delete clause 35 in its entirety. The consequence of doing so, if such an amendment passed, would be that in order to dissolve the centre, the government would have to come back to Parliament. As the bill now reads, the minister can dissolve the centre. However, Senator Roche has not done that. Perhaps I can persuade someone else to do it at the appropriate time.

There is another problem with Senator Roche's amendment, however, and I have just been seized with the draft. The amendment reads:

The minister, in exercising clause 35 —

— which is the clause that would authorize her to dissolve the centre —

— shall include in the annual report the reason for the dissolution of the Sports Dispute Resolution Centre.

The annual report referred to in my amendment is the annual report of the Sports Dispute Resolution Centre.

• (1630)

I do not think that we could accept an amendment that purports to let the minister include something in an annual report that is not hers.

Even if Senator Roche wants to make a provision that the minister will be able to exercise her authority to dissolve the centre, but would have to explain to Parliament why, he would need to draft another amendment to do that. This one falls short of his objective.

**The Hon. the Speaker:** Is the honourable senator no longer seconding this amendment?

**Senator Murray:** I am always prepared to extend the courtesy of seconding.

**The Hon. the Speaker:** Senator Roche, it appears that there are problems with this sub-amendment, which I have already pointed out, plus some other problems. Accordingly, the time for this type of motion to be brought would be after we have dealt with that which is on the floor of the Senate now, which is the amendment proposed by the Honourable Senator Murray.

**Senator Roche:** Honourable senators, I understand the point that has been made. I am willing to withdraw my sub-amendment. I have made my point. I was prepared to advance an amendment, but I was under the impression that it would not be permitted, as there was one amendment on the floor.

**The Hon. the Speaker:** We make exceptions sometimes when we stack amendments, but that is done with leave and there is no leave. The honourable senator does not need to withdraw the motion because the question has not been put. The honourable senator has spoken on Senator Murray's amendment, and the sum of what has transpired is that the proper time for him to put his amendment will be after we have disposed of the amendment on the floor.

On motion of Senator Robichaud debate adjourned.

## EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Milne, for the second reading of Bill C-14, providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the export of rough diamonds in order to meet Canada's obligations under the Kimberley Process.

**Hon. Roch Bolduc:** Honourable senators, I rise today to address at second reading Bill C-14, regarding controls on the export, import or transit of rough diamonds. This legislation is the end result of a process initiated by African countries hoping to stop, or at least limit, the use of rough diamonds to finance rebel groups in a number of nations torn by conflict.

Known as the Kimberley Process, it is a scheme started in 2000 at Kimberley, South Africa and developed by representatives of various governments in conjunction with the diamond industry to provide a certification process to try to ensure that all the rough diamonds traded between participating nations are legitimate in the sense that they do not originate from rebel-held areas. The intention is to support the sanctions of the United Nations Security Council.

Marilyn Monroe, in what became her signature song from the 1953 film, *Gentlemen Prefer Blondes*, proclaimed "diamonds are a girl's best friend." I do not agree with that, but that is the way it is.

Their relative rarity and beauty, when cut and polished, have made diamonds a valued and valuable commodity, items to be treasured. In this category, there have been a number of large diamonds that have achieved their own measure of fame, including the Kohinoor diamond and the Great Star of Africa, both currently part of the Crown Jewels of England.

Another well-known diamond is the Regent, which weighed 410 carats in the rough when it was found in 1701. It was subsequently cut in a cushion-shaped brilliant cut and worn in the crown of Louis XV. Following the French Revolution, it was set in the hilt of Napoleon's sword, which is currently on display at the Louvre.

Honourable senators, perhaps the most famous and notorious diamond is the Hope Diamond, which has been renamed several times during the course of its supposedly unlucky history. Believed to be found in India, it was cut to 67-carats in 1673 and was set in gold as a pendant for King Louis XIV at which time it was known as the Blue Diamond of the Crown or the French Blue.

This diamond disappeared during the French Revolution. It was bought by Henry Philip Hope in 1830 in London. Following a string of bad luck during which all the members of the Hope family died in poverty, it travelled through the hands of other owners who similarly found themselves suddenly and unexpectedly in need of cash. This record of bad fortune ended when the diamond was donated to the Smithsonian Institution in Washington.

However, bloodshed was not among its believed failings. The notion that individual gems can be cursed makes for interesting stories and the details told by various others to this affect are myriad.

Honourable senators, in recent times reality has exceeded the most chilling fables ever told. Commonly referred to as "conflict diamonds" or "blood diamonds," the flow of rough diamonds from war zones to jewellery stores has helped finance mass terrorism, rape, torture and mutilation in Africa on an almost unprecedented scale. Of course, it is the diamond producing countries wherein the problem lies, with greatest focus on Angola, Sierra Leone and the Democratic Republic of the Congo, all of which are signatories to the Kimberley Process.

Sierra Leone's people had suffered more than eight years of civil conflict when the United Nations established the United Mission in Sierra Leone in 1999. Subsequently, on July 5, 2000, the Security Council imposed a ban on a direct or indirect importation of rough diamonds from Sierra Leone that were not controlled by the government through a certificate of origin scheme much like that proposed by the Kimberley Process. At the time of the ban, official diamond exports from Sierra Leone amounted to only \$2.25 million as contrasted with an industry estimate that actual production amounted to some \$105 million. Thus, there have been roughly \$100 million in revenue from illicit diamond exports that accrued to financial armed conflict and criminal activity.



One of the difficulties in Sierra Leone from a control perspective is that the diamonds are not concentrated in a limited location. They are spread over a large area of the country, and are usually found by impoverished individuals who spend their time digging manually or with rudimentary equipment and sifting through the sand and soil in locations where they think diamonds might be found. It is difficult work that might be compared to the initial gold rush work in California — where my grandfather went, by the way — Alaska and Yukon.

During the early part of the conflict in Sierra Leone, smuggling of diamonds ran alongside mainstream commerce. When the professionals fled the country, the business was left to diamond runners who serviced those involved in the war. Since the establishment of relatively peaceful conditions following the coup in 1999, those doing business outside established channels have clearly been operating without even a pretext of legitimacy.

• (1640)

One of the difficulties has been the absence of legitimate professional buyers. Without an appropriate market to establish and maintain fair pricing within the country, smuggling has been the more profitable route to take. In the normal situation, one would expect that smuggled items would be sold at a discount and should be less profitable. The story in Angola is similar, with a Security Council resolution on June 24, 1998, prohibiting the direct or indirect import of diamonds from Angola other than those controlled through a certificate of origin issued by the Government of Angola.

Conflict diamonds continue to fund rebel groups in these countries and have been a significant factor in the duration of the wars. On the other hand, legitimate diamonds have contributed to prosperity and development in many parts of Africa. It is important to ensure that this aspect of the diamond industry is not overlooked or crippled by attempts to control the trade in conflict diamonds.

One of the problems that the diamond industry has faced is that the financing of rebellions, particularly of rebellions of the vicious and brutal nature seen in Africa, has begun to change the general high regard in which diamonds have been held worldwide. It might be argued that the Kimberley Process being implemented by Bill C-14 is in part a measure to restore consumer confidence and the sparkle to the image of diamonds.

Unfortunately, both the Kimberley system and the bill itself contain inherent failings which make it unlikely that they will accomplish the primary objective of ending the trade in conflict diamonds.

First, the structure of the certification system means that Canada will almost certainly be in breach of its World Trade Organization obligations. If the trade to particular nations is restricted, those that are signatories of the protocol of the treaty, a kind of protectionism is achieved. In one way, it could be perceived as such. While this may or may not give rise to trade challenges, it should be borne in mind we are intentionally implementing a system that is in violation of other commitments,

and it will be important to consider whether the good that we hope and anticipate will come from the Kimberley Process will outweigh the harm done to the reputation of the World Trade Organization countries participating.

Second, there is no independent monitoring process to determine whether the participants in the Kimberley Process are complying with its requirements. We might naturally have confidence that Canada will meet those requirements, but the fact that Canada is now not meeting its World Trade Organization obligations suggests that everyone else will have reason to doubt, just as there may be doubts about other signatories.

Third, the Kimberley Process itself does nothing with regard to cut and polished stones or jewellery, and Bill C-14 is completely silent on this issue. Once work has been done on the rough diamonds, they fall back into anonymity and the whole purpose of the certification system may be defeated. In this context, it should be noted that the comparable legislation under consideration, but not yet passed, by the United States explicitly covers both polished and jewellery containing diamonds.

In the absence of change to Bill C-14, it would seem that Canada will be following on this issue rather than leading. On this point, the diamond industry has indicated that it has planned to design a form of warranty consisting of a theoretically traceable chain of certificates from the mine right through to the finished jewellery. Since the current proposal is that the warranty will basically consist of a statement that the diamonds are conflict free, based on personal knowledge and/or written guarantees provided by the supplier of these diamonds, there is some doubt about its effectiveness. To put it another way, the statement is about as reliable as the unsubstantiated word of the supplier.

Finally, the certification system is not being funded on a cost recovery basis. Thus, it is the taxpayer who will likely be picking up the majority of the expenses for an industry that generates a huge amount of wealth worldwide each year. Keep in mind that the value of rough diamonds each year is roughly \$10 billion, and the annual value of those finished diamonds and accompanying settings in jewellery is in the neighbourhood of \$75 billion.

Briefly summarized, Bill C-14 may well turn out to be nothing more than a costly ineffective measure in contravention to our WTO obligations, with the primary effect being in the nature of a public relations program on behalf of the diamond industry. However, I would not want to leave honourable senators with the wrong impression. The fact is that Canada now has a significant diamond mining industry with roughly 4 per cent of the world's annual diamond production by volume and 6 per cent by value. We have a number of additional mines scheduled to go into production over the next decade that are expected to raise our nation's stake in world diamonds to 17 per cent by value. This is not negligible for a country like Canada, particularly since those businesses will be located in some regions of Canada that need them. That is why I can understand Senator Sibbeston's interest in this subject.

In addition, Canada is an exciting frontier for exploration for further discoveries, with exploration activities in Canada accounting for almost half of the world's investment dollars.

Whatever else may be said about it, the Kimberley Process initiative to limit or eliminate the use of rough diamonds in the funding of conflict is one that we cannot ignore. Indeed, we have to be part of it, if for no other reason than we require a market for the diamonds we produce. Even though Canadian diamonds would not and could not be presently classified as "conflict" or "blood" diamonds, the Kimberley Process is one that forbids export to or import from countries which are not signatories. Simply put, Canada cannot afford to risk being excluded from the majority of the diamond-trading world.

Thus, although the Kimberley Process itself and Bill C-14 have potentially serious flaws that are likely to limit their effectiveness, we have to be generally supportive of this initiative.

Honourable senators, it may be that we will be able to make improvements to the bill during committee hearings. I certainly am looking forward to hearing about the progress that other signatory nations have made in devising and implementing comparable legislation. While the title of Ian Fleming's memorable *Diamonds are Forever* may be a truism, we hope the impact of international controls on conflict diamonds will be to ensure that "War is Forever" in diamond producing countries does not become a truism as well.

[Translation]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, would Senator Bolduc take a question or two?

**Senator Bolduc:** Yes.

**Senator Lynch-Staunton:** I was not going to ask you if your grandfather had invested his \$10,000 in diamonds.

This bill, if I understand correctly, stems from a international treaty or agreement. Is it a treaty or an agreement?

**Senator Bolduc:** It is a process that was agreed to between countries. Apparently there would be sanctions by the Security Council. There was some sort of government approval for implementation. I cannot confirm this for you. Since I do not want to misspeak, I will provide you with an official response tomorrow. I do not want to let my imagination get the best of me.

[English]

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

[ Senator Bolduc ]

On motion of Senator Sibbeston, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

• (1650)

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—MOTION IN AMENDMENT—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Serge Joyal:** Honourable senators, it is a privilege for me this afternoon to share my thoughts with you on this important motion introduced by the Deputy Leader of the Government in the Senate.

However, first, I should like to commend Senator Oliver for his work in 1997 on the committee that published the important report to which his name is attached, the Oliver-Milliken report. This report is an essential contribution to the discussion of a potential code of conduct for senators and members of the other place.

Before I address the substantial issue at stake this afternoon, I am tempted to follow his path and establish some of my credentials on the subject with which we are dealing. I would like to remind you, as he did of his earlier years in school, that the thesis of my Master of Administrative Law was entitled *The Disciplinary Power of Public Authorities in Canada, the United Kingdom, France and the United States*, and yes, I did get my degree. That was in 1969, so it was a long time ago.

As for the subject we are discussing today, I went into my own files and discovered that after I had been elected to Parliament in July 1974, one of my first speeches in the other place was about a code of ethics, and I can quote verbatim what I said in December 1974 because it is of relevance today:

I believe that a code of ethics should be adopted and my colleagues in the House of Commons should be interested in promoting such a code.

Honourable senators will understand that the subject was a hot issue in 1974. I understand that it still is, so I am privileged this afternoon to share my thoughts with honourable senators on this issue.



Honourable senators, the Senate is a self-regulating body. It already has its own rules and mechanisms in respect of the ethics of its members. We all know that in the Rules of the Senate, rule 65(4) and rule 94 deal specifically with conflict of interest. I will remind honourable senators that the Parliament of Canada Act, in sections 14 to 16, deals essentially with the contractual capacity of members of Parliament vis-à-vis the government and, of course, prohibits contracts between members of Parliament and the government or government agencies.

I must also remind honourable senators that the Criminal Code, at sections 119 to 121, deals specifically with the issue of bribery and corruption and has been the object of various judgments in the past. We addressed very superficially that issue in the Criminal Code with Senator Sparrow last week.

What can we say? We have some rules entrenched in statutes and in the rules of this place, and I think it is an important element to remember that. Why are we asked today to deal with this issue? Has recent history shown that the existing rules are ineffective? In fact, in the past, when we had to deal with issues of conflict of interest, the rules in the Parliament of Canada Act, the Criminal Code and the Rules of the Senate proved to be of use and were efficient. If we are asked today by the Deputy Leader of the Government in the Senate to deal with this issue, it is essentially because we are called to address whether or not the present rules meet the higher expectations of the public, and whether or not existing rules meet contemporary needs. That is why we are debating this issue, honourable senators.

I think we must ask ourselves why we have ethical standards for parliamentarians. In my humble opinion, such standards are not simply a set of dos and don'ts. Ethical standards essentially embody the honour and commitment to public service shared by the members of this chamber, the ethical standard of each and every member of this place.

The adoption of a code of conduct as proposed by the government raises the basic question of proportionality, the balance between the rights to privacy of individual senators, on the one hand, and the maintenance of public trust in legislators on the other. This is the essential judgment that we have to make when we evaluate a proposed code of ethics. In other words, individual senators have a right to privacy as Canadians, and that right to privacy has to be balanced with the right of the public to maintain its trust in the institution that has a paramount legislative responsibility.

The package that has been proposed by the government, in my humble opinion, raises three fundamental issues. Three sets of principles are, in my opinion, at stake in the government's proposal. The first point is that the chamber, our chamber, is the sole master of the rules regarding the conduct of its members. This is fundamental. The second point is that the Senate is an autonomous house of Parliament. This is also fundamental. The third point is that the structure of government provides for a clear separation of rights and privileges or prerogatives between the executive, the legislative and the judicial branches of government. These are the vital checks and balances of our system of government. In other words, each branch of government — the executive, the legislative and the judicial — is autonomous in its responsibility and master of its privileges and rights.

One could be tempted to ask, "What do we mean by privileges?" I know in 2002 the word "privilege" sounds a little antiquated. It seems that when you have a privilege, you are different from the others. You have something more. You have something that the others do not have. We must understand what we mean by "privileges" when we are discussing Parliament or the legislative branch of government. What does it mean?

Mr. Joseph Maingot, the learned and well known former Law Clerk and Parliamentary Counsel to the House of Commons, in his book published in 1997, entitled *Parliamentary Privilege in Canada*, stated:

The privilege and control over its own affairs and proceedings is one of the most significant attributes of an independent legislative institution.

What does that mean? It clearly means that a legislative institution has to be the master of its affairs and the master of its proceedings. Maingot goes on to say that the right of a legislative institution to regulate its own internal affairs and procedures from interference includes at least three elements, and the first is the right to enforce discipline on its own members. This right is one of our prerogatives as an autonomous legislative house. The second is the right to administer that part of the statute law relating to its internal procedure. In other words, when there is a matter related to our internal procedure, it is for us to administer, as Maingot states, without interference from the courts. Third according to Maingot, is the right to determine its own code of procedure. Those are the essential elements that we must dispose of when we are talking about privileges of Parliament.

• (1700)

In other words, the privileges, the prerogatives and the responsibilities that we have govern our own affairs and to maintain the control of our proceedings are also enjoyed by the House of Commons.

The Constitution of Canada does not make any distinction between the two Houses in this regard. We enjoy exactly the same prerogatives, the same powers and the same responsibilities for our own affairs. This was the subject of lengthy discussion in the Supreme Court in its landmark *Donahoe* decision of 1993. That judgment is important. Former Chief Justice Lamer and Justice McLachlin, as she then was, discussed parliamentary privilege at great length. I will quote Chief Justice Lamer's comments in respect of the importance of those privileges:

It is clear that the privileges inherent in legislative bodies are fundamental to our system of government... the maintenance of the independence of the different branches from one another is necessary to their proper functioning.

Honourable senators, it says to each branch of government, "mind your own business." That is essentially the message. The justices stated clearly that parliamentary privilege maintains a separation of the legislative, executive and judicial branches of government.

Justice McLachlin, in the same judgment in 1993, wrote the following:

...these privileges must be held absolutely and constitutionally if they are to be effective; the legislative branch of our government must enjoy a certain autonomy which even the Crown and the courts cannot touch.

What is quite clear is that the Supreme Court of Canada, when faced with this issue, recognized the constitutional importance of the principle that we are the master of this house and the other place is the master of its own affairs.

Honourable senators, this is not a new concept. In 1884, more than 120 years ago, Lord Chief Justice Coleridge, in the landmark *Bradlaugh v. Gossett* decision, stated:

The jurisdiction of the Houses of Parliament over their own members, their right to impose discipline within their walls, is absolute and exclusive. To use the words of Lord Ellenborough, "They would sink into utter contempt and inefficiency without it."

For a long period of time, the courts have held that this principle is, if I may paraphrase, sacrosanct to the existence of Parliament and to the balance between the branches of our government.

Honourable senators will understand that this question is asked in the federal context of a bicameral Parliament. I want to stress that our Parliament consists of two chambers, plus the Crown. These are the three elements that constitute the Parliament of Canada. The provincial legislatures, on the other hand, consist of two elements. When the provincial legislatures adopt their own codes of conduct, they do not need to take into account what is happening in another chamber. It is important to remember that we have a bicameral Parliament. Both chambers remain autonomous insofar as their privilege or their prerogative to maintain control over the members remains within their walls.

Honourable senators, this issue is not new. The Fathers of Confederation knew that the Senate must be independent from the government, from the Crown and from the other place. I will quote Sir John A. Macdonald, at the time of Confederation, in reference to the Senate:

It must be an independent House having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch and preventing any hasty or ill-considered legislation which may come from that body.

Obviously, the Fathers of Confederation understood the concept. They had the clearest perception of reconciling two legislative houses in one Parliament.

**The Hon. the Speaker:** I regret to advise the Honourable Senator Joyal that his time has expired.

**Senator Joyal:** Honourable senators, I seek leave to continue.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Joyal:** Honourable senators, the Fathers of Confederation had the clearest idea of what the Senate should be. They knew that there were 10 elements that distinguished our house in terms of composition, role and function from the other place. I will speak to those 10 elements because constitutionally the Senate is quite different from the other place. Allow me to state the 10 fundamental elements of distinction.

First, the government cannot be brought down by a vote in the Senate. We cannot defeat the government and force an election. We can veto a bill, but that does not bring down the government.

Second, ministers of the Crown are not responsible to the Senate. Honourable Senator Bolduc raised this point last week. For example, if a minister of the Crown were in the Senate, we could not bring him down, but in the other place, they could bring him down. If senators were to refuse a minister's Estimates, we could not bring him down in this place.

Third, there is no alternative government in the Senate. We are, of course, divided between the opposition and the government, but the alternative government does not sit in front of me. There is no such thing in the Senate.

Fourth, senators do not usually serve as responsible ministers for government departments. When it happens, it is exceptional and temporary.

Fifth, the composition of the Senate does not determine who forms the government. The number of members on each side of the Senate does not determine who will form the government. It has happened that the minority party in the Senate is the government in the other place. That occurred in the early 1990s.

Sixth, the Senate embodies the federal principle in that it acts on behalf of sectional interest. This notion is fundamental. Our chamber embodies the federal principle, which is that Canada is composed of smaller regions that are less populated and less influential than the central provinces of Canada. Our Constitution has reconciled the fact that there is a heavy concentration of population in Central Canada, with smaller regions outside of that area. The fundamental role of this place is to compensate for the domination of Central Canada in the other place so that smaller regions have an equal power to the voices of Ontario or Quebec in our federal Parliament. This fundamental role distinguishes our house from the other place.

Seventh, the Senate represents minority interests that are underrepresented in the other place. There was also, at that time, religious duality. They recognized that the interests of minorities would be better protected by this chamber than by the other place. This is a fundamental element. That is why I and all of my colleagues from Quebec in the Senate sit for a district. This is linked to the protection in Quebec of our linguistic minority rights.



• (1710)

Eighth, the Senate is appointed, not elected. I do not need to spend a lot of time on this, but this has important implications for the legislation we are debating.

Ninth, senators represent regions rather than ridings. This is an essential element, because we have a broader spectrum of interests to represent instead of a small urban riding.

Tenth, the Senate cannot initiate appropriation and tax bills. We all know that that is because of section 53 of the Constitution Act, 1867.

Honourable senators, if you think these distinctions were not as clearly defined in the minds of the founders as they are today, let me quote George Brown, the Leader at the time of what we call the Liberal Party today.

The desire was to render the Upper House a thoroughly independent body — one that would be in a position to canvass dispassionately the measures of this House and stand up for the public interest in opposition to hasty or partisan legislation.

In other words, they knew exactly what they were doing, when they entrenched those principles in the Constitution.

All honourable senators know that those principles are at the heart of the functioning and operation of Parliament. That is why the Senate is independent from the Crown, and from the executive government. It did not take the 1993 opinion of Chief Justice Lamer in *Donahoe* to know that. The independence of the legislature from the government dates back from 1689, the Bill of Rights. Our learned colleague Senator LaPierre could tell us the context in which Parliament at that time tried to get from the Crown its own capacity not to be overly dominated by the Crown. That is the basis of the autonomy of Parliament.

All honourable senators know that the honourable justices who wanted to recognize that autonomy state very clearly that there is a clear parallel between the doctrines of the independence of the judiciary and of parliamentary privilege, as the latter is the means by which the Houses of Parliament protect their independence. In other words, it is as I said earlier on: each one must mind its own business. That is the only way the system can function. The courts recognize that clearly.

Honourable senators, when we hold these principles, which are so important to define our institution, and put those principles to the test with the draft bill, then we may come to a conclusion as to whether this draft bill is acceptable or not. This bill, in my humble opinion, raises these constitutional issues.

Let us look into the bill. As far as the independence of the Senate vis-à-vis the executive government is concerned, to me, the bill raises two major points. The bill provides, in clause 72(1), that the Governor in Council appoints the Ethics Commissioner. What does that mean? It means that we lose our responsibility to define and decide who will be the Ethics Commissioner. It falls to

the Governor in Council. There is no point for us in voting a resolution as, for instance, when we appoint the Privacy Commissioner, the Information Commissioner, the Official Languages Commissioner or the Chief Electoral Officer. We are asked by resolution to concur with the other place, so we can at least express a clear will.

In this bill, that decision is reserved for the Governor in Council. This is an important element. However, there is another element. If we wish to remove the Ethics Commissioner, what does the bill say? It says that we can petition the Governor in Council. I repeat: petition, through an address. Honourable senators know what a petition is: one asks for permission. That does not mean that you affirm that you have come to the conclusion that the person must be replaced. This means clearly that, in relation to the executive government, we yield our responsibility to decide in our soul and conscience who will be the person responsible for the monitoring of ethics in this place.

My second point is: How is the independence of our chamber maintained in this bill in relation with the House of Commons? Honourable senators, I find in the draft bill that there are five points where we are, I should say, fronting the House of Commons. The first is that there is only one Ethics Commissioner. Our two responsibilities have been fused into one. There will be only one ethics czar, as one newspaper has called him. This is important, and is my second point, because the Ethics Commissioner is appointed for a lifespan of one Parliament, for five years. I have been here five years, and I feel that if we to appoint an officer to help to monitor the ethics rules or the code of conduct in this place, it should not be based on a lifespan of one Parliament. It should reflect the continuity, stability and long-term perspective that are characteristics of our place.

My third point is very serious. Clause 72 (7) of the bill states that any member of either the Senate or the House of Commons can make a request for an investigation, which means that someone in the other place can trigger an investigation on the government leader here.

**Some Hon. Senators:** Oh, oh!

**Senator Joyal:** It means that we here can trigger an investigation on a minister of the Crown in the other place. In other words, it mixes the two. Do ethics need to be politicized? Do we need this means to maintain the transparency of our decision-making process?

**Some Hon. Senators:** No, no!

**Senator Joyal:** This is very serious because, in a bicameral system, each house should remain responsible for its own constitutional responsibilities. If it is within the power of the other place to bring down the government or to bring down the minister, they must act upon it. However, that is not our responsibility. I humbly submit to honourable senators that we might want to have it. That is another thing. I do not think that we have been operating without it. I do not think that that has been a major cause of distrust of the public in the government. This is not, honourable senators, our responsibility, in my humble opinion.

The fourth point is that the bill envisages or contemplates a joint committee to monitor the rules. This is worse than anything that I can imagine. I do not want to exaggerate this point, but imagine what happened in 1999, where there was a ganging-up in the other place among various parties which I will not name and the kind of scenes that we had against our chamber in the Senate lobby. Imagine that there is a joint committee to debate ethics in which senators are on par with members of the other place and the other place is taking the lead. Where will that leave us? Do we really need this to increase transparency in this place?

#### Some Hon. Senators: No!

**Senator Joyal:** If we want to politicize the system, if we want to make the system a political Frisbee between the two houses, fine. However, before putting that into legislation, I ask honourable senators to think of Section 33 of the Constitution Act, which states clearly that we are the chamber responsible for determining the qualifications or the removal of an honourable senator from this place. This is a constitutional responsibility that we have. We must retain that responsibility as long as we operate within the framework of the present Constitution.

• (1720)

Honourable senators, this is a very important issue. Practice tells us that when an officer of Parliament, such as the ones I have mentioned — the Privacy Commissioner, the Access to Information Commissioner or the Official Languages Commissioner — table their reports, what happens in the other place? I wish to quote a study that was done by a learned student of University of Saskatchewan, a thesis that was recently released:

It is often co-opted by the members of the other place for political gain, while in the Senate, it is used as objective information.

That statement speaks of the political culture of both places. Honourable senators glean this from sitting on Senate committees. What do we do with the reports of those officers of Parliament? Honourable senators have tried to deal with this aspect and understand the functioning of the system. If there is a need to redress, the issue is addressed objectively. Honourable senators need only to read the proceedings in the other place to realize that most often such reports are used for political gain, because members of the House of Commons are elected, and there is a government in waiting on the opposition benches. That situation does not exist in the Senate. Honourable senators try to understand the problems and make recommendations to solve them.

Honourable senators, there is another issue that I wish to raise in relation to the draft bill. The proposed legislation, if adopted as a bill, will become part of the statute law. Clause 72.5(3) says that the privileges of both houses are protected in that bill. Once the bill is enacted — and I will quote the Honourable Senator Beaudoin — a law is a law is a law. When it becomes law, it becomes the responsibility of the courts to adjudicate and arbitrate. Even though a clause would be included telling the courts to stay out of this, the jurisprudence is thick where the

court takes the responsibility sometimes with two pinches; however, they nevertheless take the responsibility.

Honourable senators, do we need this draft bill in order to have an efficient code of conduct?

Honourable senators, I wrestle with this matter because, like all honourable senators, I try to maintain the trust of the public in this chamber. Many honourable senators wrestle with policy studies, with attending to legislation through committees and with being here and listening carefully. We can do that as long as the Senate sits. However, we know that the public asks for more. It is fair to question whether the present set of rules meet those expectations and whether they can stand up to public criticism and review.

Honourable senators cannot ignore the situation that would be created if the other place were to adopt its own code of conduct and Ethics Commissioner and in the Senate it remained business as usual. I do not wish to think of the wrath of God that would be over the head of honourable senators if that day were to come.

What do we do? Are we damned if we do and damned if we do not? Honourable senators, there is a way to address this issue. When I was reading about these matters in the report of the Honourable Senator Oliver, I looked into what similar parliaments have done. I looked to the Westminster Parliament, which is a parliament that we cannot ignore. The first preamble of our Constitution says — and I remind honourable senators of it — that we are to have a Constitution similar in principle to that of the United Kingdom. That is the first “whereas” of our Constitution.

I looked at what they did. I discovered that on April 1, 2002, less than six months ago, the Upper House in the United Kingdom, of its own initiative adopted a code of conduct distinct from the code adopted for MPs. They adopted a code distinct from the ministerial code that is the responsibility of the Prime Minister in the United Kingdom. There are three codes: one for the members of the House of Parliament, one for the Upper House and one for the Prime Minister. It is this way for very good reason: Ministers are ministers, and they need to have stricter rules because they have executive power. Honourable senators know what that means in terms of appointments, contracts and the like.

The House of Lords understands that the independence of their chamber is essential to the maintenance of checks and balances in that system. In terms of governance, they have established a subcommittee of the Committee of Privileges that is responsible for the internal review of the code and of its administration. To administer this code, they established a registrar who works under their clerk. They have adopted the position of a registrar who has the responsibility to receive the declarations of the members and to ensure that those declarations meet the objectives of the registry.

Honourable senators may ask what is in the registry. In the registry, there is the disclosure of what they call the “relevant interest.” The relevant interest must be defined. Relevant interest is essentially a clear differentiation between what a member owns



and the right of the public to expect that decisions will be taken in the common interest. They have defined that. They even published the registry. If honourable senators search the Internet, they will find a copy of the registry.

This is a clear illustration that the constitutional privileges of this house can be maintained and that a system can be adopted to meet the expectations that all honourable senators want to fulfil in this place.

Senator Nolin has spent hundreds of hours with the members of his committee, on an issue that is difficult and emotional. I am sure that Senator Nolin does not want his good work and the work of his committee to be set aside because it does not appear to be transparent in terms of legislation.

We are all challenged on that basis, individually. We all want to do the right thing. However, the proof has not been evidenced that we must abandon the constitutional principles that characterize our system for the benefit of transparency, and for the benefit of answering to the public that our rules need to be revamped, readjusted and, as the Italians say, the *aggiornamento* has been done in a way that meets the expectations of the public.

#### MOTION IN AMENDMENT

**Hon. Serge Joyal:** Honourable senators, I should like to move an amendment to the government motion. I would like the motion that the government has introduced to be amended. I propose, seconded by Honourable Senator Losier-Cool:

That the committee —

It could be the Rules Committee.

— in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate.

• (1730)

**The Hon. the Speaker:** Is it your pleasure, honourable senators to adopt the motion in amendment of the Honourable Senator Joyal?

**Hon. Lowell Murray:** Might I ask the Honourable Senator Joyal a question?

**The Hon. the Speaker:** You can, Senator Murray, if he will take a question.

**Senator Joyal:** Certainly.

**Senator Murray:** I congratulate the honourable senator on an excellent speech. I am persuaded by many of his arguments, especially those relating to the independence and autonomy of the Houses of Parliament.

However, my question is whether that argument necessarily leads him or would lead us to two different codes of conduct, one for the House of Commons and one for the Senate; and two different officers to monitor them. To put it another way, does the honourable senator have a principled objection to a single code of conduct for both Houses and a single officer, provided that we had the right to appoint that officer?

**Senator Joyal:** I thank the Honourable Senator Murray for his question.

My clear answer is yes. If that is the route taken, I think the registrar, that is, the officer who would receive the declaration from senators, must remain within the sole control of our house. In the other place, as I said, the other House has different operational principles. They are based, for instance, on an electoral lifespan. They live for five years. The Prime Minister of the day wants to have a say in the selection of the Ethics Commissioner because that commissioner deals with the survival sometimes of his own minister and cabinet and of himself at the extreme limit of it. We are not confronted with that. We are a house that operates on a long-term basis. In fact, in previous bills, in Bill C-6 in 1978, when the government of the day — and, I saw Senator Fairbairn here — introduced a bill, there was the possibility of two registrars. There was the possibility of the appointment of a registrar to serve until the age of 70. In other words, we cut for ourselves the solution that answered our needs. There is nothing in those principles that hurts the proper functioning of a registrar if we have ours and if they have theirs.

As to the codes of conduct, they are fundamental. Our code of conduct must reflect our institutional principles. I have stated those principles earlier. We are here up to age 75. My electorate cannot make a judgment on me if I am a bad parliamentarian or not. Senators should judge me. Once we have acted, the other place is our judge on the basis of what we do. We operate in a different context and a different set of elements that compel our code of conduct to reflect that.

As much as the other place might need to have some code of conduct that reflects their characteristic, we must have one that reflects ours. The differences in the other place are that, again, we cannot bring down the government; they can. They are all ministers-in-waiting in the other place. There is one group on one side and the other one is deferred to the next election. It influences everything. We must have a set of rules that reflect the essential role that we have in the Parliament of Canada and the fact, as I said, that we are appointed and not elected and that we can be revoked only for cause.

Honourable senators are familiar with section 31. There is no such thing as section 31 for the other place. This section deals with vacancies. Although we do not like the person here, we are stuck with that person. No one can remove that person if none of the three causes of removal is met. This is different. This is fundamental. Perhaps there is a need, if we look into a code of conduct that is different and reflects that difference.

**Senator Murray:** For the sake of argument, what concerns me about my friend's proposition is the clear inference that I draw that what he has in mind, certainly for us, is an extremely detailed code of conduct. When we were being disrespectful students, we used to call it a "Frenchman's Constitution," attempting to cover every possible eventuality. However, I would want a code of conduct to be couched in terms of fairly general principles.

Second, if we go to two separate codes, there is a problem with the obvious comparisons and invidious ones that will be made as to whether one is less stringent than the other. We will spend a great deal of time, or they will, trying to defend ourselves on those points. Surely, the honourable senator would agree — perhaps he would not — that what we strive for is a single code couched in terms of general principle but to which members of both Houses could prescribe.

**Senator Joyal:** I certainly am not of the opinion that the code should be detailed in a certain way. Here, I am thinking of Senator Bolduc and of *Le petit catéchisme*, where we had to memorize the 361 clauses and recite them all in a row. I think honourable senators will remember that it started with the first one, "Where is God? God is everywhere."

Again, honourable senators, the code of conduct at Westminster contains in its definition two prohibitions and seven general principles. Those principles are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. All their codes are contained in a couple of pages. It is not something that details each and every imaginable situation. That is not the way that I envisage a code of conduct.

On the other hand, there is no doubt that we have our rules. I drew this to the attention of the Honourable Senator Sparrow last Thursday. Our present rules on the issue of conflict of interest are more stringent than the ones in the other place. In the other place, there is only one rule. It is rule 21. That rule 21, which I quoted last week, states:

No member is entitled to vote upon any question in which he or she has a direct pecuniary interest and the vote of any member so interested will be disallowed.

We have a further rule, rule 94, which compels a senator who has a pecuniary interest, generally, not to sit on such committees and any question arising in the committee.

• (1740)

We go further. If I understand it, the phrase "shall not sit on such committee" means that a senator cannot even ask questions. That senator cannot sit or exercise his or her right of membership. That is our rule 94. It is different from the rules of the other place. The other place does not have such a rule. It is not an affront to rationality to have some distinctions between the two Houses. We already have it in our own rules.

Of course, honesty is honesty. I fully agree with the honourable senator. There is no such thing as Senate honesty versus House of Commons honesty. However, there are different elements, as I

have explained in my remarks, that ask from us a higher level at some times, as reflected in our present rules. I am not inventing those rules; I am just reading the little red book that is on the table. That is what the committee should consider, in my humble opinion, if there is need for such elements of qualification.

**Senator Murray:** In suggesting that we might replicate here in this chamber the provisions that exist in the House of Lords at Westminster, has the honourable senator reflected, speaking of political cultures, on the considerable differences between their upper house and ours?

**Senator Joyal:** Absolutely. I do not want to spend too much time on this today. I have produced a book on this subject, and the honourable senator is part of it. It is not yet published, but it is coming. There is no question that there are differences. I do not want to give another lecture on this matter, and I do not want to abuse the time of honourable senators. I do not want to abuse your patience. I am not suggesting at all that we just replicate the code of the upper house at Westminster. That is not at all what I am saying. I am saying there is a model that respects the principle of the independence of chambers. That is essentially what I have been labouring to explain. I think that since this is a worthwhile objective to maintain, it is helpful to try to understand how they have done it. However, the upper house at Westminster is essentially different from us on five respective constitutional grounds.

Professor David Smith, who is a learned professor of political science at the University of Saskatchewan, in his chapter in our book goes on at length to establish the differences between the two chambers. I think one thing we can do in the committee is to invite Professor Smith as a witness to help us to understand the differences and to maintain that division, which is essential in our system. I am not at all confusing our chamber with the upper house at Westminster. That is too clear in my mind. There are resources where we could certainly have an opportunity to debate that at length.

**Hon. Herbert O. Sparrow:** Honourable senators, I should like to ask a few questions of the honourable senator. Perhaps he can answer them all at the same time.

I believe the honourable senator referred to the idea that we must have a code of conduct. That remark would indicate that the honourable senator does not feel that the existing rules are sufficient to control our conduct as far as this chamber is concerned.

The honourable senator also talked about public criticisms and that we are to meet the expectations of the public. It seems to me that any criticism that has taken place in the last while, be it a year or two years, has not been directed at the Senate or the House of Commons; actually, it has been directed at the executive. Somehow or other, we are being caught up in that. Some say that we share that problem, but we do not or we should not. We should be part of the criticism of the actions that are taken. I do not believe that the public, at least at this point, expects that change as far as this chamber is concerned.



We are grabbing at straws to do something to convince the public that we are doing something. It is a smoke and mirrors scenario in that some people believe that we are trying to fool the public by saying, "Yes, we are doing something," when in reality we are already covered. Surely the message we can get to the public is that we are covered and that we are doing these things. I do not know exactly how to coalesce those provisions, but at least they are there, without going to the further extent of having a new registrar or whoever it is to control the actions of the Senate.

In my remarks originally, I stated that we are masters in our own chamber. I hope that is what the honourable senator was trying to tell us today as well. I would like the honourable senator perhaps to repeat that.

Another aspect concerns me. What has happened since Confederation, since the rules were established for an upper chamber and for an independent Senate? What happened to those principles of independence? Have they been encroached on or have we allowed the Rules of the Senate to be encroached on?

**Senator Joyal:** I thank the honourable senator for his questions.

If Honourable Senator Sparrow got the impression that I was stating that we need a code of conduct, that is not what I said. I said, and I will repeat the motion in amendment, that the committee make recommendations, if required, for the adoption and implementation of a code of conduct. I did not presume what will come out of the committee. "If required" are the words I used. If the committee comes to the conclusion that, as the honourable senator stated properly, the present rules are efficient and sufficient to give us the capacity to meet expectations, and if we have to deliver them in a different form, then the committee will consider that. I am not at all of the view today that we need a code of conduct as they have in the upper house at Westminster. If that is what my honourable friend has in mind, that is not what I have said, and I answered Honourable Senator Murray on this point.

Honourable senators, the second point is that we have to remain masters of our chamber. I have said quite clearly that the proof has not been made that we have to yield those principles in order to review or adopt a code of conduct. That has to be very clear. The proof has not been made that we have to abandon our responsibility to conduct our own affairs. I have repeated that perhaps two or three times, but I am happy to repeat it again.

Finally, with regard to the overall objective that we now have in front of us, it is important, as the honourable senator has said, that we look into what has happened since 1867. It is helpful to look at the history of senators who had to resign for X, Y, Z reasons. How it happened and how the rules were useful need to be looked into. We do not need to rush into it. We have to look carefully at the instances where the Senate, as a chamber, was faced with a conflict of interest situation, or an issue related to the conduct of senators, and at how the rules were helpful in solving the issue.

In the past, we have been able to adopt rules to meet particular problems. We adopted rules two years ago in that regard after the Rules Committee laboured for a long time on a set of proposals

that are now part of our red book and that they do not have in the other place. I do not want to expand on this matter today because I do not want to put too many issues on the table, but we do have a much stricter policy in relation to senators who have to answer calls from the court than does the other place. We have that in our book, and we did it two years ago.

• (1750)

If we try to consolidate all the books, including the *Rules of the Senate of Canada*, and all the statutes, most of our answers might already be present. However, we must do that in the committee. As I said, we should review the various cases that have occurred in the past 100 years or so and draw lessons from the past.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I thank Senator Joyal for his efforts. The last part of his response to Senator Sparrow cast a lot of light on the situation. I conclude that our rules are sufficiently broad to accommodate the constraints of this proposal.

I would have one question about this famous ethics commissioner. You have examined a similar role in the House of Lords. Is the commissioner there independent, or an employee of the House of Lords? Does his job consist solely in keeping records? Does he have a power of recommendation when certain rules of conduct are breached?

**Senator Joyal:** The registrar is an officer of the House of Lords. He comes under the responsibility of the senior clerk. In other words, as our clerks in the Senate come under our responsibility, he is an employee of the House of Lords, although I do not wish to slight our clerks in any way. It is very clear. This is not an individual whose authority comes through an Order in Council, unlike our clerk here. That is very clear.

The other part of your question is very important. It raises the issue of the ability to obtain from this registrar an opinion which can be followed, and thus to be protected against outside allegations which might have an adverse affect on a person's reputation as well as that of the institution. The registrar has this responsibility to provide an opinion. When a member of the House of Lords complies with that opinion, he is protected. Consequently, there is a way to maintain individual and institutional integrity by following the advice received from the registrar. He does not merely write things down in some big ledger, he provides advice. This is no different than what we have in the Senate at the present time with our legal counsel.

The honourable senator will recall his arrival in this institution. At my first sitting, I greeted the clerk of this institution and then met with the legal counsel, with whom I was required to speak in order to ensure that I was not in conflict of interest, under sections 14 through 16 of the Parliament of Canada Act, and that I was thoroughly familiar with the contents of the little red book. We already have a legal counsel who assists us in our work.

As Senator Sparrow indicated, we are not starting from zero. There are already elements of our system that we must study and consider whether it would be worthwhile to include these notions — and to use the well-known legal expression — to see if it meets our objectives. We must first identify these various elements.

**Senator Nolin:** In the list of arguments raised by Senator Joyal, the one that most interests me has to do with clause 33.

I would ask him to confirm that there is nothing in his proposal that would threaten our power to decide for each and every one of us, for all of us as a body. The Senate would have full authority to decide the rules for each senator, individually. Am I following the senator?

**Senator Joyal:** Exactly, that is the gist of Senator Oliver's proposal. Your name should have appeared first on the report; that would have spared confusion.

That is the gist of Senator Oliver's second recommendation: Everything related to the code of conduct must come under the responsibility of the Senate and remain under the control of the Senate. My proposal is that we should not have to prove otherwise.

**Senator Nolin:** If we were to prove this, it would only be an argument to suggest a constitutional amendment.

**Senator Joyal:** À la limite, as they say in English —

[English]

I like the expression in English. I wrestled with that.

[Translation]

There is no literal translation of that expression in French. What will the impact of enacting this legislation be? It will impact upon section 18 of the Constitution, which states that we are the ones who determine the extent of these responsibilities. Section 18 is very clear. We cannot use section 18 to deny section 31. Honourable senators are aware of the principles of constitutional interpretation: one cannot have one section state the opposite of what another section very clearly defines. There is no doubt in my mind.

[English]

They are sound principles, and we must stick to them.

**Hon. Colin Kenny:** Honourable senators, I have a question for Senator Joyal, if I may. First, I thank the honourable senator for his remarks. He did the chamber a service.

I am a tad confused, given the nature of the Constitution, the Criminal Code, the Parliament of Canada Act and our rules. They seem to work well. We seem to be wandering around looking for a solution for which there is no problem.

Why is an amendment of this nature being put before us? Looking at the United Kingdom example, if I am following the drift of the argument correctly, we already have a solution that works pretty well.

We have not had a series of problems here. When there have been problems, one of the elements that I mentioned earlier dealt with the problem. Why is the honourable senator proposing this amendment rather than taking a look at consolidating matters in a fashion that would be comprehensible to the public, and presenting it in a way that the public would accept?

**Senator Joyal:** Honourable senators, I thank the honourable senator for his question. I do not think that the approaches are mutually exclusive. They are part of the same process. I have drawn the attention of my colleagues this afternoon to the example of the system that has been implemented in the upper chamber at Westminster essentially because the proposal introduced by the government in the form of a draft bill would go head to head with some constitutional principles that, until now, we have maintained in regulating the conduct of senators.

• (1800)

My approach is such that the government has asked us to do something that would effectively have us abandon that responsibility. If we were to be asked to do that, then we should look into a system where they did something such that they did not need to do that. The second part of my proposal —

**The Hon. the Speaker:** Honourable Senator Joyal, with my apologies, it is my obligation to inform honourable senators that it is now six o'clock. Is it agreed, honourable senators, that we not see the clock?

**Hon. Senators:** Agreed.

**Senator Joyal:** We have a draft bill before us that, in my opinion, harms those essential elements of our Constitution and the very characteristic of this chamber. I asked if it would be possible to have a system that would not cause any harm. I was told that there is such a system. I did not set aside the suggestion of Senator Sparrow that there is baggage accumulated through years and centuries of decisions, rules and precedents, whereby we have rules. As Honourable Senator Nolin said, these rules have been dispersed. The first exercise should be to try to determine what we have and, on the basis of that study, determine the next step. I am not putting the cart before the horse but I am trying to understand the various implications of the initiatives. The committee, if necessary and if required, could make a recommendation.

**Senator Kenny:** If I may, honourable senators, why is the honourable senator not proposing to the chamber precisely that? Why is the honourable senator proposing that we look at Westminster rather than at the consolidation and compilation, as he described it, that seems to be working so reasonably well?

**Senator Joyal:** Honourable senators, one is not exclusive of the other. If the honourable senator will look into the second paragraph of the recommendation, the committee could look into the practice that we have followed. I quoted some of the rules and some sections of the Parliament of Canada Act and of the Criminal Code, wherein there are, in my humble opinion,

[ Senator Joyal ]



problems. I have mentioned that problem before to honourable senators. The Law Reform Commission in 1987 first identified the problem. The Stanbury-Blenkarn Committee in 1992 identified the problem and advised the committee to look into it. It is part of the rules and the statutory obligations that we need to examine before we make a recommendation. It is part of the same exercise that the committee, under the chairmanship of an able senator, will have the opportunity to examine and define the various elements of this proposal.

I have tried to put this in a constitutional context so that we could well understand what we will be dealing with in that proposal. On that basis, the committee will have an opportunity to review all of the dispersed elements of our code of conduct.

**Senator Kenny:** Without belabouring this debate, is the honourable senator confident that the study will take place? Will it require a further amendment to ensure that there is an examination of this compilation, and that it is included in the study?

**Senator Joyal:** Honourable Senator Kenny, I like the fact that, in this chamber, we are all equal. If Senator Kenny feels that a sub-amendment should be included in the terms of the reference for the study, I would consider the possibility. I invite the honourable senator to offer a sub-amendment.

**Senator Kenny:** Honourable senators, I have a final question for the honourable senator. If there are two different approaches, one here and one in the other place, at the end of this exercise, what advice does the honourable senator have for the chamber in terms of the perception of the two different approaches? Clearly, the perception is important, and how the public sees us is important.

If I follow the honourable senator's reasoning, he is suggesting that we have a code of conduct, or an approach, that is appropriate to the chamber, and that they in the other place have an approach that is equally appropriate for them. Senator Murray hinted at the possibility that invidious comparisons are avoided by having an identical approach. Given that the two chambers are not identical, such an approach, in my view, is out of the question.

How should we clearly demonstrate to the public that we have a rigorous, effective, working code of ethics?

**Senator Joyal:** I thank the honourable senator for his question. First, I would point out that when our colleagues requested that the chamber do a special study, it sparked a special study that had a communications package attached to it. There is no doubt that the committee charged with this study must consider that as part of the responsibility of the committee.

On the other hand, if we were to come to the conclusion that the existing, dispersed rules needed to be consolidated in a set of guidelines, specifically, oriented on the nature of the conduct of senators, we could do that as well. We could do that now. We could charge a group of researchers to prepare that and come up with a consolidation. However, we will definitely need something in our hands to show that we have rules.

Perhaps some other honourable senators have heard that some people think that we have no rules. In all fairness, when I looked into that I was surprised to discover that we have so many rules. It was only when I began to dig into it that I realized we had a set of elements that needed to be put together in a visible form. Perhaps that will be the conclusion required to answer the criticism that was mentioned. We will have to say that we have an efficient and transparent system. We must look into the package on that basis, and that is up to the committee. It is a worthwhile exercise.

The first element that drew my attention when I read the draft bill was its institutional question. That was my preoccupation.

On motion of Senator Beaudoin, debate adjourned.

• (1810)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**The Hon. the Speaker:** Honourable senators, before calling the next item on the Order Paper, Senator Banks has requested the floor to ask for leave.

**Hon. Tommy Banks:** Honourable senators, I request leave of the Senate, notwithstanding rule 95(4), that the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit now, even though the Senate is sitting, because we have witnesses, some of whom have come from out of town and have now been waiting for an hour. I should like to not keep them waiting any more, if possible.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

## AGRICULTURE AND FORESTRY

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Donald H. Oliver:** Honourable senators, with leave of the Senate and notwithstanding the rules of the Senate, I should like to make a similar motion to that of Senator Banks for the Standing Senate Committee on Agriculture and Forestry. We have had witnesses waiting since 5:30. We should like to proceed with our study on climate change.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I should like to move that the Senate sit while the committees are sitting, if anyone is left in the chamber.

## PERSONAL WATERCRAFT BILL

## SECOND READING—DEBATE ADJOURNED

**Hon. Mira Spivak** moved the second reading of Bill S-10, concerning personal watercraft in navigable waters.

She said: Honourable senators, Bill S-10, the personal watercraft bill, is essentially the same bill introduced in the last session of Parliament as Bill S-26. Like its predecessor, its function is to give local communities choice and local control over a significant problem in their lakes and rivers, a problem that arose some 10 years ago and begs for a resolution.

I speak, of course, of the use of personal watercraft, also known as Jet Skis or Sea-Doos, in areas where they pose an undue threat to safety, to the environment and to everyone's personal enjoyment of the waterways.

The bill received what I can only describe as a surprising level of interest and unsolicited support. Some 74 organizations are now behind it: municipal associations, cottagers' associations, wildlife groups and others who are chagrined by the status quo. More than 500 letters, as well as signatures on petitions, arrived unsolicited from Canadians, many of them asking what they can do to advance the proposed legislation. In addition, there was considerable interest in magazines, newspapers, radio and television.

Earlier this year, I also received a letter from the Minister of Fisheries and Oceans, who is responsible for the Canadian Coast Guard that regulates small vessels on our lakes and rivers. He is now the former Minister of Fisheries and Oceans, but what he wrote is instructive. Among other things, he said: "Where it can be demonstrated that a certain boating activity poses a danger to the public or is harmful to the environment, a boating restriction may be imposed for the purpose of controlling or prohibiting navigation." That is exactly what Bill S-10 proposes to do: to allow local communities to determine where personal watercraft can be safely used and where their use poses a danger to the public or is harmful to the environment; to have them propose the restrictions that are needed and acceptable; and, finally, to have the federal government, which has sole jurisdiction in these matters, to put them into effect by amending a schedule.

A reasonable person might ask why we need this bill if the minister acknowledges that a boating restriction is possible. To answer the question, we must read further in the minister's letter. Although the Coast Guard allows communities to restrict waterskiing or to set speed limits for all boats on their lakes, it does not allow them to restrict the specific use of personal watercraft. As the minister said, such a move would be considered a major change to current policy.

What this bill would do is change policy. It could be effected by a very simple regulatory change, but neither senators nor members of Parliament can amend regulations, which is another issue in itself. Bill S-10 mimics what the Coast Guard officials proposed to do in 1994, which appeared in the *Canada Gazette* as a proposed regulation, until something happened to change government policy. How did that first policy arrive, the policy to

allow communities a choice in the matter and why was it changed? Coast Guard internal documents made available only this summer through Access to Information law helps us to piece this together.

According to these documents, Coast Guard officials were well aware of the problem. Its Rescue and Environmental Response Division had found that personal watercraft have a higher rate of collisions than any other small vessel. A disproportionate number of calls on its 1-800 boating safety hotline were about personal watercraft.

Parks Canada also had the skinny on these thrill craft. Its officials wanted the restrictions to keep personal watercraft away from swimmers and surfers in Pacific Rim National Park where a number of incidents had occurred.

The RCMP had accident figures from across the country and the police were concerned. Honourable senators get the picture.

Coast Guard officials discussed PWC restrictions at a meeting with provincial representatives because there were "increasing demands to have such a specific restriction by municipal administrations." It was then agreed to select one application for such a restriction where full public consultation was done.

The test case was a community in Quebec. By decision of provincial minister Ryan and Transport Canada Minister Corbeil, the Coast Guard received the application and published it in Part I of the *Canada Gazette*. This agreement with the governments came unglued. According to a letter from a Saskatchewan official who wanted that province included in the federal regulation, he had discussed it in the months before the June 1994 publication in the *Canada Gazette* and was advised that "the subject was under a cabinet seal of secrecy at the time and could not be discussed."

When the Coast Guard's compromise to allow communities to set speed limits for PWCs and times of day for their use emerged in the *Canada Gazette*, there was a great hue and cry, mainly from the marine manufacturers of personal watercraft.

What the internal documents describe as a "balanced regulatory regime" went out the window. This bill attempts to restore that balance.

A regulatory regime unduly influenced by one segment, in this instance the marine manufacturers, is unworkable. We have ample evidence that it is not working. The spontaneous outpouring of support for this bill is one piece of evidence that the status quo is not working.

Another piece of evidence is the CHIRPP data, emergency room information collected and analyzed by Health Canada under the Canadian Hospitals Injury Reporting and Prevention Program. The status tells us that PWC use results in a disproportionate number of injuries. All things being equal, personal watercraft should account anywhere from 3 to 5 per cent of the emergency room injuries. In fact, they account for more than 20 per cent of them.



The clearest piece of evidence that this is not working is the action by provinces that are no longer prepared to sit by and watch PWCs and power boats harm their drinking water, their environment and the safety of others on or near their lakes and rivers.

• (1820)

In British Columbia, a municipality has banned personal watercraft from a lake on Vancouver Island.

In New Brunswick, in the interests of protecting their watersheds, provincial authorities have banned all motorized watercraft from some 30 lakes.

Last summer, in the interests of safety, the Quebec government gave municipalities the authority to set near-shore speed limits, and it is widely expected to soon ban gas powerboats on small lakes.

None of these provincial or municipal actions are in keeping with the constitutional division of powers, under which the federal government has sole jurisdiction over navigation, the sole right to set limits on when and where boats can and cannot go. In the absence of federal action, however, these actions are morally, if not constitutionally, justified.

A better course would be to do what Bill S-10 proposes to do: to respect the federal government's constitutional authority while acknowledging the need for local choice and control. Bill S-10 does this by requiring a resolution from a local authority, together with proof of consultation, to come to the federal minister for publication in the *Canada Gazette*. It would require a public comment period, and it would give the minister the right to deny the requested restriction if it would unduly impede navigation.

Bill S-10 is much the same as its predecessor, except in the penalties clause. When we were drafting Bill S-26, the Canada Shipping Act was up for review. This is the act that gives the government its authority to make boating restrictions regulations. There is a penalty section in that act. Our legal drafter was led to believe that the maximum fines would increase; however, he did

not know for certain, and he estimated too high. Therefore, in Bill S-10, we have reduced the fine to keep it in line with the fine under the revised Canada Shipping Act. Anyone who operates a PWC in a restricted area under this bill would pay the same maximum \$500 fine that a boat towing water skiers would pay if convicted of a breach of a regulation under the Canada Shipping Act.

I do not expect that Bill S-10 will be needed everywhere. I hope it will not be needed in the majority of our lakes and rivers. Voluntary codes, negotiated settlements and good common sense by personal watercraft users should solve many of the problems. However, where a certain "boating activity" poses a danger to the public or is harmful to the environment, local authorities should be able to apply for a boating restriction as they do for other boats. Bill S-10 will give them the means.

I will not reiterate all of what I said about the previous bill. I simply hope that we can quickly bring this bill before the Standing Senate Committee on Transport and Communications.

On motion of Senator Cook, debate adjourned.

[Translation]

#### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, given how late it is and given that certain committees are meeting right now, I move, with leave of the Senate, that all items on the Order Paper that have not been reached stand in their place on the Order Paper until the next sitting, and that we proceed with adjournment.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

The Senate adjourned until Wednesday, November 27, 2002, at 1:30 p.m.

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Tuesday, November 26, 2002

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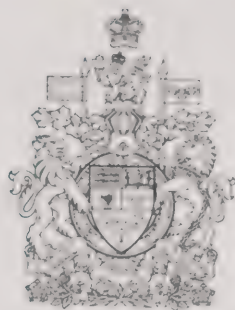






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OFFICIAL REPORT  
(HANSARD)

Wednesday, November 27, 2002

THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, November 27, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### INTER-PARLIAMENTARY UNION

##### MEETING WITH UNITED NATIONS OFFICIALS

**Hon. B. Alasdair Graham:** Honourable senators, I do not believe I have to remind you that the 18-acre site in East Side Manhattan, which is the home of the United Nations Headquarters, possesses a profound significance for all reflective visitors. In this Fifty-seventh Session of the United Nations General Assembly, the international zone, which belongs to all 191 member states of the United Nations system, has never appeared more important and more consequential for the future of humanity. A brief ride to Ground Zero confirms this gut-wrenching reality and certainly strengthens the conviction of all observers that the hard work so many devoted individuals undertake in so many committees and agencies of the world body is not only important, but also immeasurable and essential to the continuing existence of mankind.

It was a privilege for me to visit the UN last week as part of a delegation of more than 120 people from 34 countries participating in the UN IPU meeting of parliamentarians. Our action-packed agenda was filled with constructive and educational dialogue with senior officials on major issues facing the world body, among them, Canadian Ambassador Paul Heinbecker, Deputy Secretary-General Louise Fréchette from Canada and their very capable staff members. I know that Senator LaPierre, who was also in attendance, will want to join with me in expressing our gratitude to all concerned.

Honourable senators may be interested to know that the IPU is in fact much older than the UN, having been founded in 1889 on the initiative of fine parliamentarians and men of peace, three of whom were the first winners of the Nobel Peace Prize. I might add that the IPU is the world's oldest multilateral organization and did the spade work for the kind of intergovernmental cooperation that eventually came into being as the United Nations. The IPU, like the UN, was founded on the very simple principle that problems confronting states should be solved through dialogue and communications, not through arms or the threat of war.

Over the decades, the IPU has seized the opportunity to support the efforts of the international community, in part by familiarizing parliamentarians across the planet with the work of the United Nations, as well as bringing the considerable energies of its 144 affiliated national parliaments to open up

channels of communication and to build bridges of official understanding when official diplomacy has been unable or unwilling to do so.

The IPU is truly the voice of the people. I am pleased to inform honourable senators that that voice now speaks with the even greater authority at the United Nations because the UN General Assembly, in its wisdom, granted the IPU observer status during the course of our visit last week. This is a recognition that we parliamentarians are very important, indeed, in helping to assemble the national consensus so crucial to taking bold new steps on the long journey to international peace and justice.

From the viewing gallery at Ground Zero, in the clear light of day, that vote seemed particularly appropriate, its poignancy self-evident, as I thought about the fight ahead for the kinds of democratic freedoms that, in themselves, are the seeds of renewal and reconstruction in a world that sometimes appears to have been turned upside down.

[Translation]

#### PARTNERSHIP DAY

**Hon. Jean-Robert Gauthier:** Honourable senators, today is a very special day for the Senate. It is Partnership Day, a day which breaks down barriers and provides an opportunity for direct contact between disabled people, senators and Senate staff. Being hearing-impaired and receiving daily assistance here in the Senate and in committee from real-time stenotypists, you will understand how pleased I am to see such a large number of disabled persons, their interpreters and Senate staff taking part in this special event.

On this day, individuals with mental, auditory, visual or mobility disabilities have access to all the buildings of the Senate and take part in all of our organization's sectors of activity. This initiative is aimed at dispelling the myths surrounding disabilities and gaining a better idea of the reality of the disabled in the workplace, as well as providing some of them with an opportunity to find out more about what goes on in the Senate.

• (1340)

I would like to see this initiative take place on a regular basis so as to raise Canadians' awareness of the need for better integration of the disabled in the workplace, and thus do away with stereotypes and prejudice.

[English]

I would like to welcome all new participants, including both community partners, senators and Senate employees who are here today in this place. I welcome them back, all the faces I recognize, and I will let you, Your Honour, acknowledge their presence.



## FINANCE

TAX CONCESSIONS FOR TAXPAYERS INVOLVED IN  
THE ELEMENTARY AND SECONDARY  
SCHOOL SYSTEMS

**Hon. Laurier L. LaPierre:** Honourable senators, an article by Jan Wong in the weekend *Globe and Mail* estimates that teachers in Canada of primary, elementary and secondary schools are shelling out \$180 million every year so that their students do not go without. While teachers have always spent some of their own money for prizes to motivate and reward their students, they are now spending money on everything from basic stationery to food. She gives an example that one teacher in Cape Breton secretly checks her students' lunch boxes in order to slip in an extra sandwich for those who have little or nothing.

Spending by parents has also gone up substantially. The median estimate in Ontario for fundraising events per school has jumped from \$5,000 to \$8,000 annually in the past five years. Province-wide in Ontario, parents raised \$37 million for elementary schools. The problem with this always comes down to the same harsh reality: Affluent communities are simply able to raise more money within their communities than those that are less affluent, and there are fundamental differences in what is offered to our children.

Honourable senators, the United States has acknowledged teacher spending by allowing them to claim up to \$250 in expenses on their taxes. This is helpful for teachers in the short run. The long term is what we at the federal level need to consider. While the Constitution places education within provincial jurisdiction, the Prime Minister, for example, has done an excellent job in offering support to research and universities — \$6 billion worth, in fact. In addition, there are the millennium scholarships and the Canadian Education Savings Grant. The question now is what can be done at the elementary and secondary levels. We need to open up the discussion.

There is a correlation, as you know, honourable senators, between poverty and ill health. There is also a correlation between poverty and the level of education. If we begin to rely on the resources of our citizens to pay directly for fundamental services, in other words for the basics, everything from food to notebooks, we all know who will suffer the most initially. Be assured, honourable senators, that Canada, as a society, will suffer from the neglect in the long run.

EFFECT OF CRUELTY TO ANIMALS AND FIREARMS  
LEGISLATION ON NORTHERN COMMUNITIES

**Hon. Gerry St. Germain:** Honourable senators, my statement today will be very brief. It relates to the issue of gun registration and the Cruelty to Animals Act which so negatively impacts the Inuit community of Canada.

We are now in the process, I understand, in committee, of studying certain aspects of these two initiatives. Based on what our Inuit representatives have said by way of the media and in this place, these initiatives will have a severely negative impact on their communities, on their people, and on their way of life.

This is not a question of grandstanding or of being partisan. This is a non-partisan issue, if ever there was one. This is an issue that goes to the heart and soul of these people who live on the tundra. Any one of us who has travelled up there knows how tough it is just to eke out an existence in that severe part of the world.

I would hope that somewhere in the hearts, souls and logic of this place and the other place we can come up with a solution, whatever it is, that resolves and improves the situation for our Inuit people.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding with routine business, I would like to indicate that we have special guests with us today. I would begin by drawing your attention to the presence in our gallery of Ambassador Yuli Mikhailovich Vorontsov who is heading up the Moscow Expo 2010 bid delegation. He is accompanied by Mr. Boris Preobrazhensky, who is also a member of the delegation as well as of the Federation Council of the Russian Federation. Of course, they are accompanied by our friend Vitaly Cherkin, Ambassador of the Russian Federation to Canada. Welcome to the Senate of Canada.

[Translation]

I would also like to call attention to the presence in our gallery of Penny Leclair, who is deaf-blind. She is here with us on the occasion of the International Day of Disabled Persons, and is accompanied by a professional interpreter, who uses a very unique system to communicate with her. On behalf of all of the senators, welcome to the Senate.

[English]

## ROUTINE PROCEEDINGS

## NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
MEET DURING SITTING OF THE SENATE

**Hon. Colin Kenny:** Honourable senators, I give notice that on Thursday next, November 28, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday next, December 2, 2002, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

[Translation]

## LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
MEET DURING SITTING OF THE SENATE

**Hon. Gérard-A. Beaudoin:** Honourable Senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:30 p.m. on Wednesday, November 27, 2002, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** No.

[English]

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted. This will be taken as notice.

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

**Hon. David Tkachuk:** Honourable senators, my question is for the Leader of the Government in the Senate. During U.S. Senate hearings, Robert J. Conrad, the U.S. attorney who brought charges against a Canadian cell of Hezbollah, said that a Mohammed Dbouk was one of Hezbollah's major players, and operated a Vancouver cell that raised money and purchased arms for terrorist activities. The key here is "raised money and purchased arms."

He went on to say that though Dbouk applied five times to be blown up in a terrorist attack, he was rejected because of his value to the organization. It seems that being blown up in a terrorist attack is considered such an honour that you actually send in an application form, applying to get blown up. The testimony also suggested Canada was very cooperative in assisting authorities in the United States. Will the Leader of the Government undertake to ask cabinet to review their present policy and ban all Hezbollah organizations and place them on the terrorist list?

**Hon. Sharon Carstairs (Leader of the Government):** As I have indicated in this chamber on a number of occasions, the Hezbollah External Security Organization, which is the organization that has been listed under United Nations regulations, has also been listed under Canadian regulations. As the honourable senator knows, there is also a second list that can now be prepared pursuant to the Anti-terrorism Act, Bill C-36, and targets terrorist organizations. There have been, since July of 2002, seven listed entities. The Hezbollah is not one of those

entities, but I can assure the honourable senator that as these terrorist organizations are investigated and all the procedures outlined to protect individuals that we placed in C-36 are followed, then more and more terrorist organizations will be listed.

**Senator Tkachuk:** Honourable senators, the leader and I have had this exchange before. For any action there is need for some sort of rationale. I ask the leader to explain the rationale of not sanctioning the terrorist arm of Hezbollah, which is a terrorist organization and recognized as such, but sanctioning all of the rest of the fundraising arms.

• (1350)

If al-Qaeda, for example, a terrorist organization, had an arm in Canada that claimed it was fundraising for charitable purposes and doing good works, would that fundraising arm of al-Qaeda then be allowed to operate in Canada?

**Senator Carstairs:** Al-Qaeda has been one of those organizations listed under our Criminal Code via the processes of Bill C-36, as it is a terrorist organization. Hezbollah operates, as the honourable senator well knows, in a number of different ways. The external security organization, which is the military wing and the terrorist wing, has been listed under the United Nations. They will, if they go through all of the procedures presently recommended to cabinet by CSIS and other groups, potentially be listed under the Anti-terrorism Act but they are not at the present time.

In terms of Hezbollah's other activities, it is very clear that there is a political party in Lebanon, with duly elected members of Parliament, that calls itself Hezbollah. I do not think it would be appropriate to label these individuals, members of Parliament, many who are teachers and doctors, as terrorists.

**Senator Tkachuk:** Honourable senators, al-Qaeda has probably got doctors and lawyers. If you are a terrorist, you are a terrorist; it has nothing to do with your occupation. It seems to me that people who graduate from university, shoot people and bomb themselves and others should be on the same level playing field as people who do not. It takes a particularly sick person to apply to an organization to allow himself to be killed while he is killing others.

My position is that Hezbollah is a terrorist organization. It is listed as a terrorist organization, and yet the leader can say that that same organization can go out and raise funds. There is a lot of evidence in the testimony before Congress that the fundraising wing actually raised money to buy guns and arms to kill people. I am asking the leader, then, if that is true and to be consistent; were al-Qaeda to establish a fundraising operation here, perhaps with some doctors and lawyers running it, would that be a legitimate operation in Canada?

**Senator Carstairs:** To the contrary, honourable senators; when we place an individual under the toughest possible restraint, which we can under the Criminal Code as a result of Bill C-36, we must do it in the appropriate way. We must conduct the investigations. I heard during discussions on Bill C-36 the cautions, and correctly so, from that side of the chamber, that we not place people, individuals or groups, without appropriate investigations, without appropriate evidence.



The honourable senator is now suggesting we should do it without that kind of appropriate investigation and evidence, and I simply do not accept that.

**Senator Lynch-Staunton:** We never said that.

## THE SENATE

### PROPOSED STUDY OF MIDDLE EAST BY FOREIGN AFFAIRS COMMITTEE

**Hon. Marcel Prud'homme:** Honourable senators, I violently disagree with my esteemed colleague, the Deputy Chairman of the Standing Senate Committee on Banking, Trade and Commerce. The time has come to have a debate on the Middle East to find out exactly what Hamas is, who created it, and to know what Hezbollah was made for, which was the liberation of South Lebanon. There is so much demagoguery, especially at this time, which is a most explosive time in the Middle East.

Honourable senators, the time has come for the Chairman of Standing Senate Committee on Foreign Affairs to revisit the famous, and unfortunately sabotaged, study done by the committee in 1982, 1983, and 1984. In the name of sanity, perhaps the government or some honourable senators should take the initiative to revisit the question of the Middle East and invite some senators to go and see what is going on in Gaza, in the West Bank, in South Lebanon. Perhaps we can add a little bit of Canadian sanity instead of throwing away what is democratic. I ask honourable senators, who in the Senate is in favour of terrorism?

Would the leader kindly find out if there is any possibility of convincing some senators to have, first, a briefing on the real situation in the Middle East? We could thereby bring some Canadian sanity to the debate.

**Hon. Sharon Carstairs (Leader of the Government):** The intervention by the honourable senator proposes that the Senate Foreign Affairs Committee deal with the issue of the Middle East. There are 12 honourable senators on that committee. I trust their judgment in this matter, and if they should choose to do a study of the Middle East then I am sure the Senate of Canada would support that decision.

**Senator Prud'homme:** Honourable senators, I have been trying to become a member of the Standing Senate Committee on Foreign Affairs for nine years. However, I am thankful to the government for putting me on the Banking Committee. Can you imagine? Senator Prud'homme now a banker. This and meeting five presidents of the five major banks in one day is enough to cause me to have another heart attack. The committee is under the able chairmanship of Senator Kolber and deputy chairmanship of Senator Tkachuk. However, there is nothing else I can do. I am deprived of going to my favourite committee. I will do my utmost to serve the Banking Committee well, but I hope the members of the Standing Senate Committee on Foreign Affairs will bring sanity to the debate.

I thank the leader for giving me an idea. I will speak with Senator Bolduc right away, and several other senators, because I am fed up with listening to all the demagoguery in regard to the Middle East.

I shall tell the Leader of the Government one other thing. We have not yet seen anything like what may happen in January and February next. People beg Canadians to do something because we are well perceived by both sides in the issue.

**Senator Tkachuk:** Honourable senators, I would like to add a supplementary question. I am wondering if the leader could accede to the honourable senator's request.

**Senator Carstairs:** Honourable senators, first, I do not accede to requests of studies for committees. Committees make that determination, in and for themselves. In my eight and a half years in this chamber, that practice has worked extremely well. I will continue to encourage committees to study those issues that are of concern and interest not only to the Canadian public, but to the senators themselves.

In terms of Senator Prud'homme's new status as a member of the Standing Senate Committee on Banking, Trade and Commerce, I am delighted that he is there and I would expect him to do his usual fine job of participating and attending all meetings.

**Senator Prud'homme:** And I do.

## FOREIGN AFFAIRS

### RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

**Hon. Jeremiah S. Grafstein:** Honourable senators, Senator Tkachuk brought to our attention the evidence before the U.S. Senate on November 20. This evidence apparently confirms that the Hezbollah's paramount political objective remains the violent eradication of Israel, which everyone in this room would object to, and the death and destruction of America. If that is the case, could the Leader of the Government bring that information to the attention of the cabinet as it reconsiders its position with respect to the Hezbollah?

• (1400)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator knows that there is a clear process under the Anti-terrorism Act, Bill C-36, which outlines under the provisions how an organization is listed. The evidence is gathered by CSIS from all sources, including the United States, and any other country or legitimate organization that might have information of value upon which a decision can be made.

## NATIONAL DEFENCE

### POSSIBLE WAR WITH IRAQ—DIRECTIVE TO JOINT PLANNING STAFF RESTRICTING OPERATIONAL PLANNING

**Hon. J. Michael Forrestall:** Honourable senators, I have a question for the Leader of the Government in the Senate. It is one with which I am having great difficulty. My source for such inquiries is usually very reliable, thus I treat this matter with some seriousness.

Honourable senators, I have been informed that the government has instructed the joint planning staff at the Department of National Defence to not commit any resources to planning for a Canadian contribution to a war in Iraq. Can the Leader of the Government confirm or deny this?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, the commitment of the government at the present time is to United Nations Resolution 1441. Staff planning goes on on a regular basis. Obviously, we expect staff to look forward, as well as to study the past. I would be extraordinarily surprised if any such formal directive had been given to the planning staff of the Department of National Defence.

**Senator Forrestall:** Honourable senators will be aware that restricting operational planning at a time of crisis, when we may have to commit troops to that theatre, would be very dangerous and is, for whatever reason, reprehensible. I share the minister's view that, clearly, under the right circumstances, under the auspices of the United Nations and in the clear view of need, we should follow the proper course. If the government is to dispatch troops in the next two months, will the minister assure us that the government's imposed restraining order is lifted, should it be in place, and that the joint planning staff immediately proceed with the planning that was ongoing last week?

**Senator Carstairs:** Honourable senators, it is my understanding that the planning committee's activities are ongoing at all times, and that it is important for that planning committee to be forward thinking. I can assure the honourable senator that, to the best of my knowledge, no change in that kind of focus has been lost within that department.

**Senator Forrestall:** Honourable senators, I must ask a final question. I must say that I am pleased with the minister's response. However, on the other hand, there is a very strong suggestion that current rifts within cabinet, not to mention within the minister's ranks politically on an open basis, have caused some extreme difficulty with respect to this question.

Can the leader reassure us that this is simply not the case and that it could not possibly ever be the case?

**Senator Carstairs:** Honourable senators, what I can assure the honourable senator is that there is absolutely no rift in cabinet with respect to Security Council Resolution 1441 and our obligation under that decision.

## UNITED NATIONS

### IRAQ—TRAINING OF WEAPONS INSPECTORS

**Hon. Douglas Roche:** Honourable senators, on the question of Iraq and possible Canadian participation, yesterday, in response to my question to the Leader of the Government in the Senate, she said, with respect to Canada's role in helping to ensure that Resolution 1441 is carried out properly as it pertains to proper inspections, that Canada is currently evaluating a request to provide additional expertise for the Iraq action team.

Could the minister elaborate on that statement and give us a bit more detail, if she possibly can, on what precisely Canada is doing to ensure the legitimate follow-through on Resolution 1441?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must confess to the honourable senator that I gave him all the information that I could share with him yesterday, that is, that the Canadian government is considering a request to be more actively engaged.

## HUMAN RESOURCES DEVELOPMENT

### COMPUTER SYSTEM UPGRADE— USE OF OLD EQUIPMENT

**Hon. Norman K. Atkins:** Honourable senators, my question is to the Leader of the Government in the Senate. Human Resources Development Canada is getting rid of \$16 million worth of computers. The department has said these computers are outdated, although they are less than two years old. According to one of the department's reports, they had been underutilized. The plan to replace them will cost a further \$40 million. Unfortunately, fiscal mismanagement is nothing new for HRDC.

The dumping of so many computers raises another point. Classrooms and libraries across this country are always in need of new computers and may greatly benefit from this department's so-called rejects. My question is a simple one: What happened to the computers for which HRDC no longer has any use?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to begin with, HRDC is not scrapping \$16 million worth of computers. In fact, there is a commitment on the part of HRDC that, over the next five years, they will upgrade the computers. They have received \$40 million of funding to do that upgrade.

It is important to know, for example, some of the things that the department does. The department performs over 350 million transactions per year — 350 million. Clearly, that requires them to be operating at peak efficiency, which requires the upgrading of computers and equipment to continue, on an ongoing basis, to provide those services to Canadians in a time-sensitive manner.

**Senator Atkins:** Honourable senators, with regard to the five-year process which the minister describes concerning the replacement of existing computers, will she suggest to the department that it arrange to have these computers distributed to schools and/or libraries?

**Senator Carstairs:** Honourable senators, it is my understanding that there is a program under the aegis of Public Works for the distribution of what are considered to be non-effective computer type equipment. Unfortunately, my own experience has been that schools often have better equipment than those of us who wish to offer up old equipment, and they are not interested in having that equipment. However, I am sure if the equipment is effective and can be used by students, then the program that is in place under Public Works can be exercised.



[Translation]

## TRANSPORT

### AIRLINE INDUSTRY—EFFECT OF SECURITY SURTAX

**Hon. Roch Bolduc:** Honourable senators, we know that the airline industry in North America and Canada is not doing very well. Last year, in order to improve the situation, the government started charging air travellers a \$24 tax. At the time, when the budget was being implemented, people said that on short-haul flights in particular, the charge would discourage people from flying. The airline industry is doing even worse, particularly smaller carriers serving small cities such as Winnipeg, Vancouver, and so forth.

• (1410)

What is the government planning to do in response to the very legitimate appeal being made by airlines? Does the government plan on helping them in the near future? Will it wait until the next budget to eliminate the tax it created last year?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, the government indicated that they would review that tax annually. The review is in progress and the results should be reported soon. In respect of the airline industry in Canada, it should be noted that Air Canada seems to be doing better than any airline in North America. It is the only airline to report a profit in the last quarter.

[Translation]

**Senator Bolduc:** I do not want to get into a debate with the Leader of the Government in the Senate, but it now costs \$900 or \$1,000 to travel between Quebec City and Ottawa. We used to pay \$400 three years back. What happened?

**Hon. Gerald J. Comeau:** Honourable senators, after the \$24 tax came into effect, Air Nova announced that it would be terminating flights to Yarmouth, Nova Scotia. This is now one of the airports that will be shutting down, and according to an announcement by Air Nova, there is a direct link with the \$24 charge. Should we not examine this issue, not once a year, but right now? Should we not eliminate this tax, so that the small airports like Yarmouth can continue to operate? Eliminating this tax would make it possible to continue to offer services to Canada's rural regions.

[English]

**Senator Carstairs:** Honourable senators, with the greatest respect, I do not think there is any direct relationship between the airport tax and the closing of an airport simply because an airline chooses to no longer use the facility. On occasion, private sector enterprises choose to use governments as excuses but, if the business were there, they would continue with those flights at that facility.

**Senator Comeau:** Honourable senators, if I imparted the impression that the tax was causing the closing of the airport, I may have misspoken. It was Air Nova that announced it would

no longer serve Yarmouth because of the \$24 airport security tax. Air Nova linked its decision directly to that \$24-charge. I do not suggest that it is closing the airport but that there is no service to the airport, which effectively stops all connections out of Yarmouth.

**Senator Carstairs:** With the greatest respect, I do not believe the economics that an airline would stop flying to a particular destination because of a \$24-tax. The airline may choose to attribute its decision to that. For its own inability to function in a competitive way, private enterprise often blames government.

**Senator Comeau:** With the greatest respect, honourable senators, it is the honourable leader's belief that the \$24-tax did not prompt that decision by Air Nova. I, however, will continue to believe what Air Nova has said because I believe Air Nova has told us the honest truth — they stopped that service because of the \$24-tax. We on this side of the house gave such a warning last year, with the greatest of respect.

**Senator Carstairs:** Honourable senators, we can choose to disagree about this particular item. However, I have been around a long time and I have listened to private sector industry spokesmen blame government for activities that they had planned all along and simply awaited a good excuse to put their plan into action.

### COMPETITION IN AIRLINE INDUSTRY

**Hon. Terry Stratton:** Honourable senators, my question for the Leader of the Government in the Senate is in respect of the profits of Air Canada. Part of the problem we are having across the country is caused by the virtual monopoly of Air Canada, resulting in fewer choices. The honourable leader travels across the country, particularly to Winnipeg, and as time goes by she has fewer choices in airlines. For people from areas west of the Manitoba-Saskatchewan border or from down east, the selection is atrocious. Could the honourable leader tell us when the government will allow appropriate competition in the airline industry. We are sadly lacking competition and that is driving up the prices of airline tickets from Air Canada. Why do they receive such a profit?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator raises the difficulties of flying across this country, and I well understand those problems. I find it rather preposterous that the best way to travel from Ottawa to Regina or Saskatoon is to fly to Calgary and then backtrack. That is not exactly what I was taught with regard to the shortest distance between two points. The reality is that there have been serious problems within the airline industry, not just in Canada but in the United States as well. It would appear that Air Canada has come out of this downturn better than some of the long-established airlines in the United States, such as United Airlines.

# AIRLINE INDUSTRY—POLICY ON PUBLIC HEALTH MEASURES

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, on the same general topic I would like to ask the Leader of the Government in the Senate a question about public health in Canada as relates to air travel. Could the honourable leader inquire of the Minister of Health or the Minister of Transport whether there is a federal government policy in place that deals with public health on national airlines? I cite the example of an incident in Dorval Airport recently. Just before boarding, passengers of a Dash 8 headed for Bathurst, New Brunswick, were advised that the toilet was not working on that flight. The plane took off anyway — a flight of more than one hour.

First, are there public health policies in place in respect of such an occurrence? Second, in terms of public health, is it the responsibility of Health Canada or Transport Canada to ensure that the air vents in aircrafts are clean and sanitized, as well as the washrooms?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for that question. We certainly are getting down to the important facts of life that affect all of us. Obviously, I do not have answers to those questions. As a point of interest, I should tell honourable senators that, because I never made it to the premiership of the Province of Manitoba, I rarely had an opportunity to fly in government jets, which were under the purview of the premier and cabinet ministers, as well as being used on occasion for air ambulance service. It happened only once because they wanted me back to close a Legislative Assembly session as I was the Leader of the Opposition. I soon discovered that while there were washroom facilities for men, there were no washroom facilities for women.

## ORDERS OF THE DAY

### KYOTO PROTOCOL ON CLIMATE CHANGE

#### MOTION TO RATIFY—POINT OF ORDER— SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, I would like to rule on the point of order made by Senator Kinsella yesterday concerning the motion of Senator Robichaud that the Senate call on the government to ratify the Kyoto Protocol on climate change.

Senator Kinsella questioned whether it is appropriate to place it under government business on our Order Paper.

[Translation]

In my opinion, the government has full discretion to determine what constitutes government business.

In the other place, government business is defined as any bill or motion introduced in the House by a minister or parliamentary secretary. This definition is taken from the glossary of parliamentary procedure prepared under the direction of the other place.

[English]

Furthermore, according to Beauchesne's Sixth Edition, paragraph 372, and I quote:

A Government Order is, as the name implies, an Order of the House for the consideration of business proposed by the government for debate and possible decision. The normal vehicle is a Government Bill or Motion....After notice a government notice of motion is placed on the *Order Paper* as an Order of the Day under Government Orders...

In the Senate, our practices are very much the same. Once the leader or the deputy leader of the government gives oral notice under government notices of motions, the item is then placed under the appropriate heading of government business and can be called for debate at the discretion of the government in accordance with rule 27(1) once the required notice has lapsed.

• (1420)

In the Senate, the representatives of the government are the Leader and the Deputy Leader of the Government.

[Translation]

Last Thursday, November 21, the Deputy Leader gave notice of this motion under the heading "Notice of Government Motions" which, in my view, constitutes sufficient grounds for concluding that the government is sponsoring this motion.

[English]

As to the form of the motion, here again I believe that the government has some discretion. That is to say, it need not be in the form of an address, as was suggested yesterday. In fact, this is not without precedent. In 1966, a similar kind of motion was debated in both Houses of Parliament with respect to the Auto Pact.

It is my ruling, therefore, that there is no point of order.

[Translation]

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under Government Business, I would now like to deal with Item No. 2 under Motions, and then revert to the order proposed in the *Order Paper*.

[English]

### KYOTO PROTOCOL ON CLIMATE CHANGE

#### MOTION TO RATIFY—DEBATE ADJOURNED

**Hon. Sharon Carstairs (Leader of the Government),** pursuant to notice of November 21, 2002, moved:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.



She said: Honourable senators, I am pleased to rise today to begin debate on the motion before us. This motion asks the Senate to call upon the government to ratify the Kyoto accord on climate change. To help frame to this debate, I want to make a number of introductory points.

First, I want to discuss the science that has indicated our need to act. I want to discuss the multilateral nature of the work on climate change and the international environment for this work. Finally, I want to ensure that my colleagues are aware of the extensive consultation process that has led to the climate change plan for Canada that the government released, in an updated form, just last week.

To begin, let me state that the science makes sense, and the decision on Kyoto is based on science. More specifically, it is based on the consensus view of the more than 1,000 scientists who work with the Intergovernmental Panel on Climate Change. For more than a decade now, they have reviewed an ever-growing body of scientific research on trends in the world's climate. They have assessed the data and the many possible factors.

The result is that, first, they agree that our climate is changing and, second, it is changing because of human-caused factors that mean more and more and more greenhouse gases are making their way into our atmosphere. Beyond that, the view is that the increasing number of severe, costly and destructive weather events in Canada and around the world indicates future trends due to climate change.

The unusual weather patterns that we have all seen over the past two decades are entirely consistent with the prediction of meteorological models that have been developed by the world's best climate research centres. They have certainly given the international reinsurance industry pause because they have seen the costs of responding to severe weather rise rapidly.

Honourable senators, our government is well aware that not every scientist agrees with the scientific consensus, but the simple reality is that scientists at the Intergovernmental Panel on Climate Change — and remember that these are the people who are experts in the scientific disciplines that are most relevant to this issue — have not seen anything in the many alternative claims that has shaken their consensus view.

[Translation]

Honourable senators, this scientific basis that is pushing us to action brings me to my next point: the government's decision to align itself with international efforts to attack this problem.

When the data on climate change began to build up, it became clear that an international approach was necessary. The greenhouse gases that we produce do not stop at our borders. The problem affects Canada and the world. It calls for a solution for Canada and the world.

Canada has been committed to a multilateral approach for a long time. When the world community agrees to act, it knows it can depend on Canada. Canada will be there. Such are Canadian values. Canada's interests are also at stake.

[English]

We need to encourage a global solution so we can protect the North from losing the sea ice that Inuit hunters need. We need to work with other countries to slow the trend to a hotter climate that is putting farmers in the Prairie provinces at risk, as the glaciers that feed the region's rivers melt away.

We cannot afford to stand aside, so we have been active partners in this international process from the beginning. We agreed with the first stage in attempting to build an international solution, which was to try voluntary measures. However, those did not work on the scale that was needed. The next step was a commitment to targeted reductions by industrialized countries through the Kyoto Protocol.

Canada has worked hard to ensure that our interests are reflected and respected in the protocol. We have done well in that regard, with credits for the role that our well-managed forests and agricultural lands play in keeping carbon out of the atmosphere. We will get credits for our technological know-how at work in developing countries to help them address greenhouse gases.

The government is also very mindful that the United States has not chosen to ratify the Kyoto Protocol. We have chosen to factor in that situation as we build a plan that meets our international commitment in ways that maximize the benefits for Canadians and Canada while minimizing the potentially negative effects.

[Translation]

Honourable senators, I do not intend to comment on the details of Canada's Climate Change Plan, released last week by the government. However, I would like to talk about the very powerful process that shaped it. Canada's Climate Change Plan is based on the best ideas from ten years of consultations with the provinces and territories, industry, environmental protection groups and Canadians, and collaboration with these stakeholders since 1992, when we became a party to the United Nations Framework Convention on Climate Change.

In fact, Canada's Climate Change Plan is comprehensive and detailed. No other country has held as many consultations with government and industry stakeholders as Canada.

[English]

The Prime Minister met with the other first ministers five years ago to identify key principles that, in turn, have guided the process of defining a plan for Canada ever since. One of those principles was that no region of Canada would face an undue burden when it comes to addressing climate change. The plan delivers on that principle because it foresees threefold increase in oil sands production, a fourfold increase in East Coast oil, and a 50 per cent increase in gas production, as well as increased electricity production.

This plan benefited from substantial dialogue over many years between the federal government and the governments of the provinces and territories. This dialogue consisted not just of regular meetings of the ministers and the senior officials who deal with these issues; it was also collaboration between the economists who worked together to project the effects of different ways of meeting our goal on the economy of our country and its provinces. It included many discussions about the options and impacts. It is worth pointing out that these discussions extended to other experts, particularly in the private sector, who were able to offer their own input on ideas for this plan.

• (1430)

This was an inclusive process that led to the release of the draft plan on climate change on October 24. That draft plan pointed out how Canada could move towards our climate change target. The federal ministers and their officials have continued to work with their counterparts in the provincial and territorial governments, industry and stakeholders. Those discussions led to refinements in the plan. They led to adjustments to minimize the economic impacts on particular regions and in sectors of the economy. That process of refinement and evolution continues.

In fact, honourable senators, I know much has been made about the provincial and territorial announcement that further discussion would require federal agreement to 12 principles. It is worth pointing out that our government is in substantial agreement on 9 of the 12 provincial and territorial principles, and those are reflected in the plan.

[Translation]

As we move toward implementation, the government is further cooperating with the provinces and territories to reinforce a common understanding of all the principles.

Similarly, the government listened carefully to the views and concerns expressed by the industry about how to deal with large industrial emitters of greenhouse gases. This was clear from the plan released last week.

This plan commits the government to work together with the industry to establish emission reduction targets through framework pacts, other regulatory measures or financial incentives.

[English]

There will be flexibility to achieve the targets through emissions trading and access to domestic offsets and international permits. Industry's concerns respecting certainty have been addressed. For one thing, it is now clear that industry will be asked for no more than 55 megatons of greenhouse gas reductions. Anything beyond that will be achieved through incentives. The government will work with industry to provide protection against sustained high prices for carbon as the international market for greenhouse gas credits develops. Finally, the government will continue to work

with industry to design a system that will not disadvantage those firms that have taken early action, and there are many of them, I am happy to point out.

Some people claim that, because Canada is only responsible for about 2 per cent of global greenhouse gas emissions, there is little we can do and there is little we should do. That is not the Canadian answer to shared international problems. What happens around the world on this issue affects us. We can, should and fully intend to show leadership on climate change.

Our greenhouse gas reduction target presents a challenge, but it also presents us with a wonderful opportunity. The transition to a less carbon-intensive economy is the way of the future.

By acting now, honourable senators, Canada and Canadian business has the opportunity to set the pace and lead the way. Taking action on climate change will provide broader benefits. The actions we will take are expected to help create new jobs, foster innovation, gain cleaner air, reduce health costs and generate other environmental and social benefits. Quite simply, action on climate change represents a call to action that will lead to a better world for generations to come.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wish to ask the Leader of the Government in the Senate whether the minister who has made reference to the federal government's implementation plan would lay on the table of the house a copy of that plan.

As well, the minister made reference to the premiers' 12 principles sent to the federal government. Could we get a copy of that as well?

There are other documents I believe would be helpful in our debate. First, could we get a copy of the Kyoto Protocol? Second, could she provide us with a copy of the United Nations Framework Convention on Climate Change, which this is all about?

**Senator Carstairs:** The request for the climate change plan for Canada was tabled last week, honourable senators. However, we will table it again if the honourable senator wishes. My recollection is that it was tabled on Thursday.

In terms of the 12 principles, I will obtain those for the honourable senator, as well as copies of the Kyoto Protocol and the United Nations Framework Convention on Climate Change. I assume that the honourable senator wishes those documents to be distributed to all senators, which we will endeavour to do as quickly as we can.

**Senator Kinsella:** I thank the minister for that undertaking.

Can the minister advise the house as to whether the Kyoto Protocol or the United Nations Framework Convention on Climate Change contain a federal statute clause?

[ Senator Carstairs ]



**Senator Carstairs:** As to the specifics of a federal statute clause, I cannot answer that question. Obviously, that is the reason it is important to get this documentation out to all honourable senators.

**Senator Kinsella:** As most of these international treaties provide for reservations to be made, can the minister advise the house as to whether the Kyoto Protocol allows for reservations at the time of ratification, should this be necessary for Canada?

**Senator Carstairs:** My understanding is that the ratification of the Kyoto Protocol would be done in terms of the documentation presently available. However, Canada's position has been very clear on issues like carbon sinks and credits for our natural gas, particularly natural gas that goes to the United States. I know that the federal government's position remains unchanged in that manner.

**Senator Kinsella:** The other question for the Leader of the Government in the Senate relates to the machinery for the enforcement of the convention for those state parties that ratify the Kyoto Protocol, the Kyoto Protocol being an implementation or enforcement protocol to the United Nations Framework Convention on Climate Change. Could the leader share with us, in general terms, what we are ratifying in terms of enforcement machinery?

**Senator Carstairs:** Honourable senators, my understanding is that there is not a strict enforcement machinery protocol in this regard. Basically, it depends on the goodwill of those who sign the accord.

**Senator Kinsella:** Does that mean that should Canada ratify this protocol to the convention and then be unable to meet the obligations it assumes under international law, there will be no sanctions?

**Senator Carstairs:** Honourable senators, that is a question we must delve into in more detail. I will try to bring the specifics of the enforcement machinery to honourable senators. However, I do not believe we should enter into an agreement that we have already made the decision we will not enforce. I believe that would not be the Canadian way. The Canadian way would be to do everything we could to meet the targets and objectives as laid out in the protocol.

**Senator Kinsella:** I agree wholeheartedly with the minister on that point. I share her opinion completely that that ought to be our policy, approach and practice in entering into international agreements under international treaty law.

Perhaps the minister could provide insight into the key question of this debate: How does the federal government intend to implement the obligations it assumes for Canada if it ratifies the protocol without provincial consensus?

**Senator Carstairs:** As the honourable senator knows, there are operations and machinery that the federal government can use that are within their sole jurisdiction. There may be some implementation legislation required. At this point, that is not

totally clear. It may be that we can use the instruments that presently exist, but if we cannot, then obviously we will have to come forward with the appropriate implementation legislation.

• (1440)

**Senator Kinsella:** Are we to understand that the federal government, not having the consensus of the provinces to assume these obligations, would use tools such as the spending power or not transferring money to the provinces or the peace, order and good government principle?

How far is this federal government prepared to go to force the provinces to comply with these serious obligations it is undertaking when the provinces are telling us that they do not agree? How far is this federal government prepared to go in using its authority, the spending power and other techniques, to meet the obligations that it will be assuming under international treaty law?

**Senator Carstairs:** Let me be very clear, honourable senators. I certainly was not talking about instruments like peace, order and good government. I was talking about present environmental statutes in this country, which we may well be able to use to meet certain targets that we have established for Canada.

In terms of provincial consensus, it is quite true that some provinces have not yet indicated their full support of Kyoto. Other provinces have indicated their very strong support of the Kyoto initiative.

We must also recognize that in terms of one province in particular, the Province of Alberta, it is highly unlikely that we will get their consensus on this particular issue. However, my own province has been very outspoken on this issue, as has the Province of Quebec. If one is to judge by the polling that has been done on a rather steady basis by a number of different groups, most important of all, the Canadian people are firmly behind the Kyoto agreement.

**Senator Kinsella:** Has the federal government thought to try to build its plan upon Resolution 27-7 of the Conference of New England Governors and Eastern Canadian Premiers, representing the Premiers of Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador? This resolution concerning climate change, reached on August 25 to 27, has half the Canadian provinces concurring with the governors of all the eastern states of the United States, where we share common land mass.

**Senator Carstairs:** The honourable senator has introduced the issue that while the Government of the United States has not indicated that it wishes to pursue the Kyoto accord, many of the individual states have passed emissions standards equalling or surpassing the Kyoto standards.

When they raise the spectre that Canadian business will suffer vis-à-vis the United States, it is important to point out that the emissions standards that have been put in place in the State of California, which has a population about the same as that of Canada, are meeting the Kyoto target.

**Senator Kinsella:** If the governors of the northeastern states of the United States and the premiers of five provinces east of the Ontario-Quebec border have agreed on a common basis for dealing with climate change, why would that not constitute the groundwork or the foundation stone for building a national accord that would not place federal-provincial relations in the terrible state that this approach will?

**Senator Carstairs:** I am somewhat at a disadvantage to the honourable senator since I have not read the accord of August 25 to 27. Just as the Government of Canada indicated that it welcomed legislation from Alberta in which it was setting forth new goals, we do not think fast enough or quickly enough to achieve what we should be doing as a nation, but we would support any proposal that would move this issue forward.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I apologize to the Leader of the Government in the Senate. I did not have an opportunity to put her on notice about this question. She does not have to respond today and may wish to provide an answer at another time. My question relates to the Kyoto accord.

I want to commend the government and the leader for bringing this debate to the Senate. We all know the executive has the opportunity and the power to ratify without debate, so bringing this matter forward for debate is useful for the Senate. I commend her and the government for doing that.

Has the government given consideration to what I consider to be the major problem with respect to implementation, which is a lack of careful understanding of how we engage our American neighbours? In my estimation, approximately 70 per cent, maybe more, of greenhouse gas emissions occur within 100 miles of both sides of the border. In effect, ratification and implementation does not solve the problem, particularly along that corridor.

Would the Leader of the Government give some consideration to examining the option of using the existing International Joint Commission, which was established many decades ago to deal with precisely these issues — problems along the border that affect both sides of the border? It has a huge pool of scientific experts who could be engaged on a bilateral basis with colleagues in the United States so that we could at least meet the objectives of the Kyoto Protocol and the agreement with our American colleagues at the same time as we are proceeding along our own track.

**Senator Carstairs:** I think that is an excellent suggestion. Excellent work has been done by the International Joint Commission, and I suspect even more excellent work will be done under the fine leadership of the Honourable Herb Gray.

**Hon. Lowell Murray:** Honourable senators, I find it striking that a matter of a few months ago, perhaps even a few weeks ago, it seemed that one province was opposed to Kyoto and most of the others were somewhere between neutrality and leaning toward favouring it. As of today, all 10 provinces seem to be arrayed against the federal government and what it is trying to do. Perhaps historians at some future date will be able to divine the reasons for all that.

As I understand the status today, we, through the Prime Minister, have signed the protocol. The next step would be for the cabinet to ratify. The fact that those are two separate steps

indicates that we are still free to ratify or not to ratify, and we are also still free to choose the timing of ratification.

The resolution reads "That the Senate call on the government to ratify the Kyoto Protocol on Climate Change," but no time frame is specified. Are we to read anything into this, given the widespread impression that the Prime Minister has indicated that he intends to ratify by the end of this calendar year?

**Senator Carstairs:** The Prime Minister has made it very clear that his desire is that the cabinet ratify the accord. As was pointed out by Senator Grafstein, it is not required that this debate be undertaken in the House of Commons or in the Senate. Cabinet has the right to ratify this treaty without such a debate taking place. The government indicated that it wished to have such a debate, however, because it wanted to hear from parliamentarians on this issue.

• (1450)

The government has heard from some of the provinces; it has heard from members of industry; it has heard from academics, but it has not yet heard from the people's representatives, those individuals who sit in the House of Commons and the Senate. Thus, this process was begun last week in both houses with the tabling of a resolution appropriate to each house in order that that debate may take place.

**Senator Murray:** Honourable senators, I take it there is no particular significance to the December 31, 2002 date, other than that it is the wish of the Prime Minister to tidy the matter up by the end of the calendar year. However, timing of ratification is an issue with many people; the steps that ought to be taken before ratification proceeds is a major issue with many people. Therefore, I wonder whether, in this more general resolution, we are being offered some latitude that, until now, the Prime Minister has not acknowledged?

**Senator Carstairs:** Honourable senators, the Prime Minister has not changed his position since either late August or early September, when he indicated in Johannesburg that the debate would take place in the Parliament of Canada leading towards ratification by cabinet on December 31, 2002. That is the timeline that the Prime Minister has outlined. It is a timeline based on the fact that the discussions have not been under way since only August or September. In fact, the discussions have been under way for five years, but they appeared to have become mired down. Therefore, the Prime Minister decided to step up those discussions and literally force people to come to the table by indicating a target date of December 31.

Discussions have stepped up. There have certainly been many more meetings this fall than earlier. There were certainly meetings of ministers and of officials during the past five years. The Prime Minister believes that the target date of December 31 is a valid one to achieve.

**Senator Murray:** Honourable senators, as a practical matter, is there a particular measure of provincial agreement to implement that the Prime Minister and government believe would be necessary before the federal government ratifies?



**Senator Carstairs:** As honourable senators know, the provinces have laid out 12 points that they think must be addressed. The federal government and the provinces have indicated that they have reached a satisfactory agreement on nine of those 12 points. The remaining three points are being discussed and negotiated. Meetings have taken place this week between the Prime Minister, the Premier of British Columbia and the Premier of Ontario. The premiers chose to cancel their meeting, which was to be held on November 29, 2002. It is to be hoped that we will come to an even broader consensus, as the weeks continue, that would include the three outstanding principles.

**Senator Murray:** Honourable senators, I do not wish to belabour the point. We will have an opportunity to debate much of this matter.

The situation that existed with regard to the Canada-U.S. Free Trade Agreement 14 years ago comes to mind. At that time, the action, legislative and other, required to be taken by both the federal Parliament and provincial legislatures as a practical matter to implement the agreement was well understood. In the event, as the honourable senator may recall, two provinces opposed the treaty — the government of the largest province, Ontario, and that of the smallest province, Prince Edward Island. Nevertheless, the federal government felt sufficiently confident, especially after holding an election on the matter, that it could proceed with implementing the treaty without any problems or hitches of a jurisdictional nature.

Honourable senators, I am asking the Leader of the Government how many provincial governments need to agree to proceed to implementation before the federal government proceeds to ratification?

**Senator Carstairs:** Honourable senators, I think that the Prime Minister is prepared to move to ratification with the present agreement among the provinces. If I go back in the history to which Senator Murray refers, it seems to me that there was a third province that was also opposed. My province, Manitoba, also opposed the treaty until there was a change of government in that province. Interestingly enough, the election was not fought on that ground, but there was a change of government in any event.

The Prime Minister believes that we must act, and that this is in the best interests of the Canadian people. He also believes that the Canadian people think it is in their best interests. He has a mandate to act on behalf of the Canadian people, and that is what he will do.

**Senator Murray:** What is the provincial agreement to which the minister refers? She said that the government is prepared to proceed to ratification on the basis of the agreement that now exists. What agreement is that?

**Senator Carstairs:** Honourable senators, I was referring to principles that were laid out by the provinces. There has been agreement on nine of the twelve concerns raised by the provinces. The principal issue currently, certainly as expressed yesterday by Premier Eves, seems to be one only of money. Premier Eves wants the federal government to pay for everything.

As you know, the environment is a shared responsibility. The federal government is not prepared to pay for everything.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I want to deplore the fact that the government has not bothered to table the Kyoto Protocol and is asking us to debate a document that we do not have before us. I find that presumptuous, if not brazen.

**Hon. Roch Bolduc:** We are merely an advisory body.

**Senator Lynch-Staunton:** Honourable senators, I certainly cannot engage in a debate until I have some idea of what the debate is regarding. The document is there. That being said, I would like to know from the Leader of the Government exactly what commitment this Senate will be making if it does approve the motion. My interpretation is that if this chamber votes in favour of the motion, that is, that the Senate call on the government to ratify the Kyoto Protocol, it will end the debate.

When the enabling legislation comes, and all the ramifications that will arise from the protocol are known, it will be too late. The government's argument will be that the Senate approved the Kyoto Protocol. The vote is part of the official record. Both houses approved the Kyoto Protocol. Therefore, there would be no choice other than to follow through on their decision and pass the enabling legislation.

Therefore, I will vote against this motion because we are doing things the wrong way round. We should know what the enabling legislation would look like and what the ramifications could be.

Honourable senators, my position has nothing to do with the environment. It has to do with the responsibility of a legislator to come to the right decision and not to be told to approve something called the Kyoto Protocol without knowing its details.

We should not be told to find a document on a Web site or read about it in the newspapers. That is not the way this place works. The documentation should be before us. To date, we have nothing.

• (1500)

Secondly, I will not support this motion because I do not know what it means. I do not know what it means to my province. I do not know what it means to my country. I do not know what it means to Canadian industry. I do not know what it means in cost. I do not know anything. I am not being asked to approve Kyoto one way or the other; I am being asked to give support to the Prime Minister of Canada so that he can say to the rest of the country, and in particular to recalcitrant provinces, one in particular, "I have now the support of the Parliament of Canada, so you have to fold also." I will not play that game.

My main question to the Leader of the Government is: Does she agree that if the Senate approves this motion, it is in effect bound by the enabling legislation which is bound to ensue following ratification?

**Senator Carstairs:** Honourable senators, that is a very interesting question, because I perceive the debate quite differently from the honourable Leader of the Opposition, but perhaps that does not surprise anyone since he sits on one side and I sit on the other.

I almost see the process we are going through with respect to the ratification of the protocol a bit like second reading and third reading. Second reading is approval in principle, and that is where we are now in the debate on approval in principle. When we get to third reading or the enabling legislation, then there will be other debates on specific points of distinction, if indeed we have enabling legislation, if such enabling legislation is required.

**Senator Bolduc:** Honourable senators, there is a big difference. For example, take the bill to promote physical activity and sport. That bill is before us. We have the real thing. We do not have enabling legislation. We do not have anything like that, and that is why I think Senator Lynch-Staunton is perfectly right in that situation.

**Senator Kinsella:** On a supplementary, should we arrive at the stage of examining proposed legislation and we cannot pass the legislation or will not adopt it, and therefore Canada cannot meet its obligation, could the minister explain the mechanism for renunciation of that protocol?

**Senator Carstairs:** Honourable senators, the honourable senator asked earlier if the enforcement machinery for the renunciation of the ratification would be included in the enabling legislation. I cannot give him the details on that. I have indicated to honourable senators that if they would like to have the Honourable Minister of the Environment, I would be pleased to invite the minister to appear before us in committee of the whole in order for senators to put these very detailed questions to him. I am not the Minister of the Environment and I have not been at any of the meetings that have taken place between the Minister of the Environment and provincial ministers of the environment throughout the country. If I get an indication from the other side that that is how they would like to proceed, I will put that in motion immediately.

**Hon. Mira Spivak:** Honourable senators, my understanding of the Kyoto Protocol is that it commits Canada to reduce its greenhouse gas emissions by 6 per cent below 1990 levels but that it does not specify the manner in which it is to be done. There has been a great deal of talk about a made-in-Canada solution, and of course the Kyoto Protocol allows for a made-in-Canada solution because Canada has to adjust what it does to its own situation.

The conversation that goes on between the premiers is also based on a national solution. I would like to know what the government's view is of a federal, national, made-in-Canada solution. In other words, are the nine principles that are agreed to the basis of what the government is intending to do? Without going into the details of the package, which of course the leader is not able to give us today, can the Leader of the Government give us a broad understanding of what a made-in-Canada, federal, national solution is? I have not heard anyone debate this issue. They just take it for granted that the Kyoto accord is not made-in-Canada and that what the provinces are proposing is a made-in-Canada solution.

**Senator Carstairs:** Honourable senators, I thank the honourable senator for that question because, of course, she is absolutely correct. We have been asked to reduce our greenhouse gas emissions 6 per cent below what was set in 1990. To be fair, we have actually increased them since 1990, so there is actually a broader gap that we have to fulfil. It is at 17 per cent. We have a significant target to adhere to. I think the commitment clearly is that we not allow that to progress further, because if in the last 12 years we have gone from 6 to 17 per cent, it does not bode well.

The honourable senator is also quite correct in saying that there is an interesting debate in this country about a made-in-Canada solution. Clearly, the Kyoto Protocol was drafted in such a way that all governments could make a U.K. plan or a France plan or a German plan. They could, if the United States was willing, make a United States plan. That is the beauty of this particular agreement.

As a nation, we are to decide and devise the manner in which we can meet the targets that we have agreed to in our ratification of the Kyoto Protocol, and we have 10 years to do it. It is not as if we are going to ratify this now and then have to implement it January 1, 2003. We have been given 10 years in order to bring this accord into its complete ratification and implementation.

**Senator Spivak:** Honourable senators, I point out that the year 2012 is just the beginning. Scientists estimate that there will be a doubling of greenhouse gas emissions. We are almost too late unless we take heroic measures to stop that doubling.

This is probably the most serious challenge ever faced by the world. It seems to me that people are looking too much at the costs of action while not looking at the costs of no action. I wonder whether, included in all the documents that will be tabled here, will be any studies on the cost benefit aspect, because the costs of no action will probably shock everyone in this chamber.

**Senator Carstairs:** Honourable senators, the honourable senator from Manitoba has clearly identified what is critical here. If we do not act now, the problem will only get worse. By acting now, it is hoped that we can at least put on some of the brakes and lead, if nothing else, by good example, other nations to start putting the brakes on their circumstances as well.

I have had discussions with some members of cabinet, not at the cabinet table, but outside, so I can talk about them, with respect to respiratory illness. We were talking about the incidence of asthma. In my own family my father was one of 10, my mother was one of 18, and there was one asthmatic. In this generation, there are nine asthmatics, and we are only half the number. That is indicative of what is happening with children throughout the nation if we do not begin to look at this in a very serious way.

The honourable senator might be interested in the annex to the Climate Change Plan for Canada, which does an analysis and modelling of cost impacts. That might address some of the issues she raised this afternoon.



**Senator Lynch-Staunton:** I welcome the minister's suggestion that we go into committee of the whole to hear the Minister of the Environment and his officials, but also we must remember that this chamber is historically the one that represents the regions. This is a chamber of regions, of provinces, and we have an obligation when a matter touches the provinces directly and touches on their jurisdiction that they be given the opportunity to come before this chamber to make representations. I would urge the Leader of the Government to consider extending an invitation to the premiers to come before us to explain their understanding of the issue. In that way, we would then be better able to take a decision on the motion. To have the Minister of the Environment only without the provincial representatives would not be carrying out our historical responsibilities.

• (1510)

Honourable senators, Appendix I of the *Rules of the Senate* states:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

What issue applies to this paragraph with greater import than the Kyoto Protocol, these days? I urge the Leader of the Government to consider that, and I will certainly be happy to continue the debate as soon as the documents that we asked for, particularly a copy of the Kyoto Protocol, are made available. I therefore move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

## PHYSICAL ACTIVITY AND SPORT BILL

### THIRD READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the bill be not now read a third time, but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

"(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan."; and

(b) in clause 33, on page 14, by adding after line 11 the following:

"(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report."

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I would simply like to add some additional information. To those who have amendments to propose to this bill, we are prepared to consider them and to stack them. Senators could speak to one or more amendments. Each amendment would be voted on separately. This is exactly what you wanted to do yesterday. I did not understand when you asked for leave.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the Deputy Leader of the Government and I discussed this matter. I consulted a number of senators. Our critic, Senator Murray, prefers to deal with each amendment as it is introduced, as stipulated in the Rules of the Senate. Stacking is not acceptable.

Order stands.

[English]

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report", tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament,

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

**Hon. Laurier L. LaPierre:** Honourable senators, I have listened carefully and with great respect to the views expressed on the package of ethics for both Houses of Parliament. I have paid close attention to the brilliant addresses by learned senators. I have also learned about our rights and privileges, in the course of those debates, and how they were enshrined in the Constitution through the will of the Fathers of Confederation. I have been impressed by the fact that a code of ethics already exists, which, if I have understood correctly, is legislated in the Parliament of Canada Act, in the Criminal Code and in the *Rules of the Senate*.

However, we are not there, and this is not about that. This is about what we are expected to do, and not necessarily in reference to past expectations, and not necessarily by taking refuge under the rights and privileges that may or may not have existed.

Honourable senators, things have changed considerably since 1867. We began with two provinces that were willing and two that were not willing, and had to be forced. One was created from a postage stamp, one was forced by the British authorities and another was forced by the British authorities, and two were created by the central government, et cetera. We have extended our country considerably to the north. In the process, since 1867, we have considerably extended the boundaries of the provinces and reorganized the federalism under which we live.

Consequently, there have been enormous changes in the process and in the Senate. We used to be named for life, but that is no longer the case; and we used to light this house with candles, but that is no longer the case. There are many things that we do differently today. Honourable senators, it seems to me that circumstances have changed the nature of this house. We began our country with a small population that has grown to more than 30 million — 43 per cent of whom are not of the original stock that created this nation. At that time, there was Native, French and British stock. Honourable senators, we have adapted to all of these changes and, whether or not we like it, we have changed the rules and our way of thinking in order to achieve this.

There is a crisis of confidence in parliamentary institutions among Canadians. We say that we are not involved in scandals. If scandals occurred, we dealt with them through the rules, or the scandals belonged to the other place. We like to think that we have developed a self-protective mantle to escape scandals. For reasons that are not too difficult to understand, there is a perception that the Parliament of Canada is not living up to the expectations of Canadians, and not just in respect of this chamber.

Honourable senators, over the past quarter of a century, many have wanted to either abolish or reform or elect the Senate. I have absolutely no doubt that, within the next 10 years, the rules that govern an appointment to the Senate will change considerably, and the term of senators will also change considerably.

For all of these reasons, I like to think that we are moving in a positive direction. The crisis of confidence that exists and envelopes the soul demands from us an understanding of what

the Canadian populace may want in the process to rekindle its willingness, its spirit and its confidence in the Parliament of Canada and, at the same time, be able to participate more actively in parliamentary and public affairs of our country. Canadians want transparency, objectivity, responsibility, accountability and monitoring.

• (1520)

They want us to act not as two distinct bodies, but as a Parliament where the Senate acts in concert with the House of Commons in order to create a code of ethics that is manageable, transparent and can be understood so that everyone can say that these are the rights, privileges and responsibilities of the members of the Parliament of Canada.

Therefore, the Canadian public does not want two codes of ethics; they want one code of ethics for the Parliament of Canada. We are responsible to them. It is not true that we live in this place completely devoid of politics. We belong to political parties. We belong to caucuses. It is not an exaggeration to say that we are ruled by party politics.

[Translation]

The give and take of politics, while no doubt fraternal, necessarily requires that we oppose the ideas of others and that we exchange views. In large part, this stems from some kind of ethics or party line.

[English]

For all of these reasons, it occurs to me that we are not all that different from the House of Commons. The people of Canada elect the members in the other place. Those members are honest people, and each day they are condemned more than the honourable senators in this place.

The public does not know who we are and has hardly any idea as to what it is that honourable senators do. The Canadian public is aware of what MPs do in the other place because that is where the journalists are. The journalists and the television cameras are not in this place.

[Translation]

We are hardly noticed at all.

[English]

What the Canadian public wants is for the House of Commons and the Senate to work together to arrive at a code of ethics. They want the Parliament of Canada to have a single commissioner who will be responsible for the monitoring and administration of that code of ethics, an ethics commissioner who will look at the House of Commons and the Senate and act accordingly.

The House of Lords was mentioned yesterday. Very simple statements and words were used so brilliantly by Senator Joyal.

At the end of the day, as public personages, we have to assume the responsibility to meet the will of the Canadian people and to remember that we are their servants. It is, therefore, our responsibility to try and erase this dangerous lack of confidence that exists in the parliamentary institutions of our country, Canada.



For all of the reasons that I have cited, perhaps it is best that we accept the motion as it has been presented and send it to the committee chaired by the very brilliant Senator Milne. However, I would prefer to deal with it in Committee of the Whole. We would not need to hear from witnesses. Honourable senators are knowledgeable. We have a great many experts in this chamber who would be able to ruminate upon the history of the Senate from time immemorial and for all of eternity. We could sit here in the Committee of the Whole to discuss this motion and within 10 hours arrive at a consensus that would satisfy the Canadian public. Then, the next time we go for an election or attempt to elicit public involvement, we would not have the sad results that we have had in the past.

Honourable senators, this is an important moment in the history of this chamber. I do not wish to get carried away, as I know I have done in other places over this issue.

I wish to thank the Honourable Senator Corbin for his great diligence in bringing me back to the spectrum of rationality. However, for 73 years, I have been unable to prevent my emotions from getting in the way of my rationality.

[Translation]

The heart has its own reason which reason does not know, as Pascal said, and vice versa.

[English]

For all of these reasons, I beg honourable senators to adopt this motion quickly. Send the motion to my noble friend, the Honourable Senator Milne, or create a Committee of the Whole to get this matter over with so that, sooner or later — much sooner than later — we will have, as a Parliament, a magnificent statement with which the Canadian people can identify and which will serve as being representative of everything honourable senators believe in regarding the public service of our country.

[Translation]

**Hon. Roch Bolduc:** Would Senator LaPierre entertain a question?

**Senator LaPierre:** I never do, for the simple reason that my mind only allows me to speak for the few minutes afforded me. If

I were as brilliant, intelligent and knowledgeable as you, I would. But that is not the case.

[English]

I have a magnificent Web site. You may therefore entertain me with it, and I will respond to you with great pleasure.

**Hon. Jeremiah S. Grafstein:** Honourable senators, would the Honourable Senator allow a question?

**Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker):** The honourable senator has stated that he will not accept questions.

**Senator Grafstein:** Will the honourable senator permit a short question that relates to information within his knowledge?

**The Hon. the Acting Speaker:** Will the honourable senator accept a question?

**Senator LaPierre:** I am too shy and retiring, thank you, to do this. I am a simple peasant from la Beauce. It would be so completely inordinate for me to enter into a discussion with such a mighty, learned person as the Honourable Senator Grafstein.

On motion of Senator Kinsella, for Senator Beaudoin, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, it is almost 3:30 p.m. We normally try to adjourn our sitting at this time to allow committees to sit. With leave, we could stand all items that have not been reached until the next sitting of the Senate. They will stand on the Order Paper in the order in which they are today.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

The Senate adjourned until Thursday, November 28, 2002, at 1:30 p.m.

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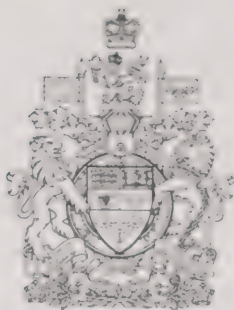






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CANADA

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OFFICIAL REPORT  
(HANSARD)

Thursday, November 28, 2002

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THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Thursday, November 28, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers

[Translation]

### SENATOR'S STATEMENT

#### OFFICIAL LANGUAGES

##### REPORT ON THE FUTURE OF HEALTH CARE IN CANADA

**Hon. Jean-Robert Gauthier:** Honourable senators, official-language minority communities have been heard by the Honourable Roy Romanow, who has just presented us with an important report on the future of health care in Canada.

The report, entitled "Building on Values," will make history and seize the attention of Canadians and their leaders. Recommendation No. 28 is one that I find particularly gratifying, and I quote:

Governments, regional health authorities, health care providers, hospitals and community organizations should work together to identify and respond to the needs of official language minority communities.

My honourable colleagues will recall that, in June 2001, the Fédération des communautés francophones et acadienne (FCFA) made public a major report entitled "Improving Access to French-Language Health Services."

I am delighted that the Romanow Commission has clearly understood the FCFA's message. Now the important thing is to go from words to action and to take all means necessary to follow up on this important report on the future of health care in Canada.

A great Canadian in the field of medicine, William Osler, once wrote:

It is easier to buy books than to read them and easier to read them than to absorb them.

We have all received a copy of the Romanow report. We will all read it. We must now absorb it. Let us hope that Canadians and their leaders will absorb it and take action.

### ROUTINE PROCEEDINGS

#### COMMISSION ON THE FUTURE OF HEALTH CARE IN CANADA

##### REPORT TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour of tabling in the Senate, in both official languages, two copies of the final report of Commissioner Roy J. Romanow, Q.C., of the Commission on the Future of Health Care in Canada. This report is entitled "Building on Values: the Future of Health Care in Canada."

• (1340)

#### KYOTO PROTOCOL ON CLIMATE CHANGE

##### DOCUMENTS TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I also have the honour of tabling in the Senate, in both official languages, a copy of the following documents: the "Kyoto Protocol to the United Nations Framework Convention on Climate Change," the "United Nations Framework Convention on Climate Change," the "Provincial and Territorial Statement on Climate Change Policy," and the "Climate Change Plan for Canada." The last document had already been tabled, but it is tabled again for greater certainty.

[English]

#### NATIONAL SECURITY AND DEFENCE

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Colin Kenny:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to hold meetings between Monday, January 6, 2003 and Friday, January 10, 2003.



## QUESTION PERIOD

### FOREIGN AFFAIRS

#### KENYA—ATTACK ON AIRPLANE

**Hon. J. Michael Forrestall:** Honourable senators, I have a couple of questions for the Leader of the Government in the Senate.

The British Broadcasting Corporation has reported that Canada, Australia and the European Union have closed their embassies in Manila due to “a credible and specific” terrorist threat.

Can the Leader of the Government tell the senators the nature of this threat? What steps are being taken to protect Canadian embassies and their staff and embassy personnel there and elsewhere in Southeast Asia?

**Hon. Sharon Carstairs (Leader of the Government):** I am sorry, Honourable Senator Forrestall. I am assuming that you were speaking about the presumed terrorist attack today in Kenya. However, you mentioned Southeast Asia, so you have confused me a bit.

**Senator Forrestall:** Yes, I am talking about Kenya.

**Senator Carstairs:** Honourable senators, I can in fact give some information with respect to what has happened today in Kenya. As individuals are, perhaps, aware, there was a bombing of a plane. Fortunately, the rockets missed the plane. However, damage was done to a hotel and people, including two children who were killed in that attack. There were no Canadians, but loss of life is loss of life.

No one has indicated that a specific terrorist group is attached to this assault or whether it is, in the usual sense of the word, a terrorist act. However, that examination is going on at the present time.

Embassy staff have been put under careful watch orders and Canadians have been given an advisory warning, at this point, that Kenya is a place that they should not visit unless they have extraordinarily serious reasons to go there.

**Senator Forrestall:** To say the least, honourable senators, it is a little disconcerting. It must be terribly uncomfortable for the families of Canadians who are working there.

### NATIONAL DEFENCE

#### POSSIBLE WAR WITH IRAQ—INTELLIGENCE SHARING AGREEMENT BETWEEN INVOLVED COUNTRIES

**Hon. J. Michael Forrestall:** Honourable senators, on Tuesday, November 19, we had the privilege of hearing, in Committee of the Whole, LCol. Stogran, the former commander of the 3 Princess Patricia Canadian Light Infantry Battle Group. He told us, among other things, that intelligence that was passed along to them in Afghanistan came locally from our allies the Americans, and that the information was not necessarily sent down from our sources above him in the chain of command. Needless to say, this

is not what one would consider to be an optimum situation in a war.

In the event that we send troops to Iraq, can the Leader of the Government assure us that an intelligence sharing agreement is in place before we depart?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, that is an extremely interesting question. My understanding was that intelligence sharing was in place in Afghanistan. However, it does not surprise me that troops in the field mixed together might share information, one with the other. That may well have taken place. It seems to have taken place from what the lieutenant colonel informed us.

However, I will ensure that this good question goes immediately to the Department of Defence as a recommendation.

#### POSSIBLE WAR WITH IRAQ— RELEASE OF RULES OF ENGAGEMENT

**Hon. J. Michael Forrestall:** Honourable senators, intelligence sharing has as much to do with the rules of engagement as anything else. If the minister is not aware herself, perhaps she might pursue it, giving some indication that we on this side of Parliament, are a bit concerned.

It was made pretty clear that, despite the government's assurances about timely drafting and training on rules of engagement, as recommended in the Somalia commission report, the Princess Patricia's battle group did not see the finalized ROEs until just prior to their deployment. As in my first question, this is somewhat unacceptable and a little alarming.

Will the government leader give us her assurance that, in the event that the government decides to enter conflict with Iraq, our troops will have the rules of engagement at least one month, if not more, in advance, and not when the commanding officer is on his final reconnaissance?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, obviously, it is important that the rules of engagement be provided to those in command and to those under them as early as it is possible to achieve that objective. I will certainly bring forward a representation of that nature to the Minister of Defence.

#### HEALTH CARE OF TROOPS SERVING ABROAD

**Hon. J. Michael Forrestall:** Honourable senators, I noted in the Romanow report this morning, no mention of the health and well-being of Canadian Armed Forces personnel and other people serving abroad.

We still have a serious shortfall in the extent to which we go to protect Canadian forces and other Canadian personnel who are caught up in war zones. When we start withdrawing people from otherwise safe situations, we can only consider that zone to have been reclassified to something akin to, if not necessarily directly, a war zone.

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator knows, the delivery of those particular services is totally within the delivery system of the federal government. It is fair to say that the Romanow report was concentrating on the health care of Canadians in Canada and the relationships between the provinces, territories and the federal government in the delivery of that health care system.

However, there are certain groups in Canada that are served directly by the federal government with respect to their health care needs. One of those groups is the military, including veterans, which sometimes is a shared responsibility. Another group is Aboriginals living on reserves and, yet another, is inmates in our correctional institutions.

It may surprise honourable senators, because it certainly surprised me, that, in terms of the number of Canadians actually provided direct service by the federal government, the federal government is now the fourth largest deliverer of health care in the country. They are only behind the provinces of Ontario, Quebec and British Columbia.

## VETERANS AFFAIRS

### LOSS OF PENSION OF VETERAN

**Hon. Michael Meighen:** Honourable senators, my question is for the Leader of the Government in the Senate. The media reported a week or two ago that retired LCol. Al Trotter, a bomber pilot during World War II, is being denied supplementary pension benefits — benefits he is entitled to for serving nine months in a German prisoner of war camp. Throughout his 268 days in captivity, Mr. Trotter was tortured routinely, threatened with execution by a firing squad and force marched across Germany.

It is those nine months of inhumane treatment and imprisonment that have entitled Mr. Trotter to a supplementary pension. Yet, because he did not realize until 1990 that he was eligible for such benefits, Mr. Trotter has been denied them. He missed the deadline for application.

I know the Minister of Veterans Affairs has reopened his case; however, Mr. Trotter is not a young man.

My question for the leader is this: What is she and her government doing to speed up the process to ensure that Mr. Trotter, a bona fide war hero, gets what this country surely owes him before it is too late?

• (1350)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. As he well knows, the federal government passed a law in 1976 that would pay compensation to veterans who had been held as prisoners of war. It was anticipated that about 5,000 veterans would apply. In fact, some 5,700 applied, following a broad-based publicity campaign throughout the country. The legislation itself contained a provision that did not allow it to be retroactive.

I met this morning with the Minister of Veterans Affairs. He raised this case with me because of his deep concern about it. He has asked for a comprehensive review to be done quickly.

### REVIEW OF CASES INVOLVING LOSS OR REJECTION OF PENSIONS

**Hon. Michael A. Meighen:** Honourable senators, that is very good news. I thank the Leader of the Government in the Senate for giving it to us. Obviously, Mr. Trotter will be very pleased.

Perhaps the Leader of the Government in the Senate herself — and I would be prepared to do it as Chair of the Subcommittee on Veterans Affairs — could look into this question of people, particularly those who have served our country in the military, losing benefits by reason of a bureaucratic oversight, a term I do not use disparagingly.

In such cases, the fact that someone misses a deadline can well and truly do with some sympathetic consideration. Perhaps there is a provision that we could enact or a practice we could adopt whereby a bona fide case would never be prevented from being honoured simply because a particular step in the process was not followed through inadvertence.

**Hon. Sharon Carstairs (Leader of the Government):** Frankly, honourable senators, I hesitate to blame the bureaucrats. I believe it was the legislators who made the mistake. It was the legislators and the legislation of 1976 which indicated that it would not be retroactive. This is not a bureaucratic problem. I would suggest to the honourable senator that this really was a problem of legislators at the time the legislation was passed.

Having said that, let me reassert what I said earlier. The minister is looking at this matter with a kind of personal attention that a minister does not usually bring to such a case.

**Senator Meighen:** Honourable senators, my comment was prospective. I appreciate very much what the Leader of the Government and the Minister of Veterans Affairs are doing in this particular case.

## CHURCH COMMUNITY

### FINANCIAL SUPPORT FOR SETTLEMENT OF LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS

**Hon. Douglas Roche:** Honourable senators, I wish to ask a question of the Leader of the Government in the Senate concerning the residential schools issue. She will recall that I have raised this matter on previous occasions. There is a reason I am bringing this matter up again. It concerns a comment reported this week in the press by a senior Catholic official in these proceedings who charged that the government is off-loading its financial responsibilities on the entire Catholic Church.

Honourable senators, this issue is too complex to summarize in a question. I will therefore try to avoid putting complicated facts on the record, which will be hard to follow in such a brief period of time.



Minister Goodale is the third minister with responsibility for this file. It has been going on for years. It is, what I call, Ottawa permanence. There are so many lawyers involved in the matter that they cannot be counted.

Of all the lawsuits in this residential schools file, 73 per cent involve Catholic institutions, or some 6,000. One would think that the government would make an effort to ensure that Catholic authorities are being engaged in the discussions and negotiations. I am saddened to tell the minister that it is now close to one year since there have been any formal discussions between the government and the Catholic authorities.

The Catholic authorities are claiming that the government has taken the position that they want to deal with the entire Catholic Church in this matter, whereas, in actuality, there are specific institutions bearing the Catholic name that are involved in the actual cases which should be dealt with.

Will the minister take steps to ensure that the comment I am now making is brought to the attention of Minister Goodale with the request that he cause there to be, at an early opportunity, formal discussions between himself and his department and the relevant Catholic authorities in which the government would recognize that it cannot tie the whole of the Catholic Church into bearing the burden of compensation that is properly borne by specific bodies within that church, and that the government would work with the appropriate church entities to find a fair way to exercise their respective responsibilities in this matter? It has gone on for far too long.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I will certainly bring the message of the honourable senator forward. However, I must say that I do not agree with it.

The Government of Canada has recently entered into an agreement with the entire organization of the Anglican Church of Canada. The Anglican Church recognized that they had a responsibility. Thus, they have entered into this agreement that will see them paying a maximum of \$25 million in a 70-30 split to those individuals who suffered in the residential schools, which were in existence in this country for a number of years.

The Government of Canada has indicated its willingness to continue to negotiate with the United Church, the Presbyterian Church and the Catholic Church.

The honourable senator is quite right in indicating that the largest number of claims made to date have been made in institutions that were controlled and operated by the Catholic Church. It is my hope that we can come to an agreement with the Roman Catholic Church of Canada in the same way we came to an agreement with the Anglican Church of Canada.

**Senator Roche:** Honourable senators, I anticipated that answer. Of course, it gets to the heart of the matter of the legal responsibilities therein.

I wish to put on the record that it is the position of the Catholic Church that it will pay for mediation, for reconciliation, and all those activities that would come under the general heading of pastoral work.

I repeat that there have been no formal discussions in one year with the Catholic authorities, which suggests to us that there is at least a breakdown in communications.

Could we now make an effort to get those communications back on the rails by a concerted effort for formal discussion and negotiation to be resumed?

**Senator Carstairs:** The position of the government is clear. It is prepared to negotiate with the Catholic Church any time that the Catholic Church wishes to enter into the negotiation process.

However, I have to tell the honourable senator that I do not think that to totally exclude the compensation issue of these people, many of whom suffered incredible damages which have lasted a lifetime, is a way to begin that negotiation process.

**Senator Roche:** Honourable senators, I just cannot accept any idea left on the floor of the Senate that the church is refusing to accept its responsibility for compensation in a legal matter. They are. It is a matter of the appropriate means of ensuring that this compensation is paid in the proper manner. That is what is required in the negotiations that have broken down. We need the government to take an initiative to get this thing back on the rails.

**Senator Carstairs:** With the greatest of respect to the honourable senator, the process is twofold. It can go on through mediation or it can go on through the courts. I agree totally with the honourable senator. I would prefer to see it go through mediation and that the dollars available go to the victims, both for treatment and for compensation, rather than to go to myriad lawyers across the country, particularly as this one seems to be in the particular concentration of very few lawyers across the country.

The church has known that the government has been willing to continue its ongoing negotiations. The church must indicate, in a clear way, that it is willing to come to the table to negotiate all aspects of a settlement agreement.

[Translation]

## THE SENATE

### ROOM TEMPERATURE IN CHAMBER

**Hon. Roch Bolduc:** Honourable senators, is it possible to turn up the heat a little in the Senate chamber? For the last two weeks, I have found it chilly, and this is very uncomfortable. I would like someone to correct the situation. We become more sensitive to the cold as we get older.

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must reply to the honourable senator that the temperature of this chamber is absolutely perfect for me, but it may be my gender and my age.

• (1400)

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, I have the pleasure today, of introducing a visiting page from the other place. Sophie Verrier is from Victoria, British Columbia, and she is studying at the Faculty of Arts at the University of Ottawa.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, under Government Business, Item No. 1, resuming debate on the third reading of Bill C-12 has been called. At this time, I would like to adjourn the debate on the motion and the amendments until the next sitting of the Senate.

Would the chair of the Senate Standing Committee on Legal and Constitutional Affairs be ready to present his report? I think that the committee has concluded its proceedings, and leave was given earlier to revert to Presentation of Reports from Standing or Special Committees.

**Hon. Gérard-A. Beaudoin:** Honourable senators, we had been instructed to split the bill in two. We heard evidence, and examined the whole issue, in compliance with the orders of reference. We considered two documents: Bill C-10A and Bill C-10B, to amend the Criminal Code regarding cruelty to animals. We have completed the first part, that is the consideration of the first document — because I would rather talk about a document than a bill — on which we are reporting today.

We wish to reserve the right to continue with the consideration in committee of the second document, which deals with animals and cruelty to animals. This is my report. I have nothing further to say for the moment.

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I understand that the senator must actually table a report.

**Senator Stratton:** Does the honourable senator have the report?

**Senator Beaudoin:** Not yet. The report will be brought here in one or two minutes.

**Senator Carstairs:** Honourable senators, we have to be in agreement that the honourable senator will have leave when the report arrives at his desk.

**The Hon. the Speaker:** There is leave to revert to Presentation of Reports from Standing or Special Committees, and I will leave it up to the Leader of the Government or the Deputy Leader to draw to our attention when it is appropriate to revert.

**Hon. Jean-Robert Gauthier:** Honourable senators, on a point of order, it could be my former experience in the House of Commons, but on Thursday we usually question the government about the business in the following week.

[Translation]

I have started reading the Romanow report entitled: "Building on Values." I would like the honourable Leader of the Government to tell us when this report will be taken into consideration in the Senate of Canada.

[English]

**Senator Carstairs:** Honourable senators, there are two ways we could approach the matter. The Kirby report is still before us and we could broaden that debate, with a general agreement that it include the Kirby report and the Romanow report, or we could have an individual senator initiate an inquiry to examine the Romanow report. Either option is quite acceptable.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wonder whether, on the point of order, I could express a degree of warmth for the proposition that has been articulated by the Leader of the Government in the Senate. It seems to me that it makes sense and it would be economical, in terms of the time of this honourable house, that we would deal with the matter of health care in Canada, whether examining the report of our Standing Senate Committee on Social Affairs, Science and Technology on health care, or the report of the royal commission on health care, "Building on Values," by Mr. Romanow, which was made public this morning.

That makes eminent sense and I would recommend we proceed in that way.

**Hon. Douglas Roche:** Your Honour, are we now on Bill C-12?

**The Hon. the Speaker:** No.

**Senator Robichaud:** In answer to the honourable senator, we are under Motions now, Item No. 1, which is the motion that deals with the Kyoto accord.

**The Hon. the Speaker:** Honourable senators, I should apologize to Senator Roche and the Deputy Leader of the Government. I saw Senator Roche rise. Senator Gauthier had put a question on house business, and Senator Roche resumed his seat and I did not call on him.

I do not remember saying "stand" with respect to Item No. 1, but perhaps I did. I am always anxious to accommodate a senator who wishes to speak to one of the orders. Honourable senators, I am not sure whether leave has been granted, but let me put it to the house: Is leave granted to return to Bills, Item No. 1, Bill C-12? Senator Roche would like to speak.



**Hon. Senators:** Agreed.

**Senator Robichaud:** On a point of order, honourable senators, if Senator Roche desires to speak on the amendments before us, then I do not see a problem. Earlier in the week Senator Roche wanted to move an amendment and we proposed that we stack amendments so that we could hear them, but it was indicated by the opposition that they would not agree to stacking the amendments. I raise that as a point of information, which leaves the floor entirely to Senator Roche if he wants to speak on the amendment proposed by Senator Murray.

**The Hon. the Speaker:** Honourable senators, Senator Roche has already spoken on Senator Murray's amendment and honourable senators can only speak once. If there is another amendment, there will be another opportunity to speak. However, I must advise that the honourable senator has spoken and used his right to speak on the amendment.

• (1410)

**Senator Kinsella:** Honourable senators, I want always to be helpful in these matters. The Deputy Leader of the Government is absolutely correct that, earlier in the week, when the question of stacking amendments was raised, we on this side were of the view that this might not be such a good idea. Notwithstanding the name of the party that I am proud to be a member of, the Progressive Conservative Party, we are not tied to that great dictum of *semper idem*, that everything remains the same. Upon reflection, it may be a good idea to bring forward the amendments that several senators wish to bring forward on this issue. If we brought forward other amendments, it would give our colleague Senator Roche the opportunity to speak, as I am sure we all want him to do. Also, it would afford the government an opportunity to see the kinds of amendments we are talking about.

I know that Senator Gauthier has some important amendments dealing with the application of the Official Languages Act. Some of us have, what we believe to be, important amendments in the area of the access to information and the privacy considerations as they apply to the bill. The word on the street is that the government is favourably reflecting upon those kinds of considerations.

In that vein, if my colleague opposite agrees, we on this side would now agree to stacking the amendments and we would rise to speak to the issue.

[Translation]

**Senator Robichaud:** Honourable senators, I certainly need not repeat my consent for stacking amendments; however, it should be noted that time solves many problems.

When Senator Murray refused his consent during the last sitting, he said he preferred to deal with each amendment separately. If I understand correctly, Senator Murray agrees to proceed with stacking the amendments.

It has been suggested that the government consider the amendments. In fact, the government is always very interested

in considering the amendments moved, because it recognizes the great wisdom to be found in the Senate.

**Senator Gauthier:** Honourable senators, I have followed this debate with great interest, and I have found the procedural matters regarding Bill C-12 to be very interesting. I understand Senator Robichaud's position, to debate all of the amendments, however the *Rules of the Senate* do not provide for the stacking of amendments. There must be an amendment to a main motion before another can be moved.

I do not understand the argument that we should discuss all of the amendments in a 15-minute period. I have three amendments dealing with official languages to move; however, under the *Rules of the Senate*, I may only move one amendment. However, I shall not accept that my two other amendments be shelved because I only have the right to move one amendment. May we move more than one amendment?

**Senator Robichaud:** We could certainly consent to a senator moving more than one amendment.

[English]

**The Hon. the Speaker:** Honourable senators, the business before us arises out of what I understand to be an agreement between the house leaders with respect to Bill C-12. Therefore, I put the following question to the chamber using the language of the house leaders: Honourable senators, is there agreement to stack the amendments, a practice we use from time to time?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Perhaps I might help Senator Gauthier with his problem by pointing out that, with this arrangement in place, he would be able to move more than one amendment, should he wish. In other words, if he has three amendments, he will be able to put them forward in the same speech, as opposed to putting them forward one at a time, having them dealt with and then moving to the next one.

**Senator Gauthier:** I appreciate that comment. However, I did not want to be told that I could not put forward more than one amendment in the 15 minutes allocated for my speaking time. I should like a little more time to explain why I want to put forward the other motions, but I will not be able to do that because His Honour just confirmed what I thought — that I will have to comply with the 15-minute time period when I put the amendments on all the three issues. Do I understand correctly?

**The Hon. the Speaker:** No. If the Honourable Senator Gauthier puts his amendments one at a time, they will each be debated separately. However, they will not be dealt with until all speakers have concluded and commented on the bill. It may be that they will speak to the main motion or to one or all of the amendments, but they will do that as they rise in the chamber. The honourable senator will be bound by the 15-minute time limit, but if he puts his amendments separately, then, as I understand it, he will be afforded that amount of time for each separate amendment. Senators have already agreed to stack the amendments.

Senator Roche is asking for the floor. We are left with the problem that Senator Roche has already spoken to Senator Murray's amendment. Thus, I am not able to give the floor to Senator Roche again unless there is leave to either extend his time or to allow him to speak a second time.

## PHYSICAL ACTIVITY AND SPORT BILL

### THIRD READING—MOTIONS IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport,

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the Bill be not now read a third time but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

"(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan."; and

(b) in clause 33, on page 14, by adding after line 11 the following:

"(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.".

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I rise now to speak to the matter before us and to move an amendment, whereupon Senator Roche will be able to rise if he chooses to speak to the amendment.

The issue that I wish to draw to the attention of this honourable house is the difficulty that the bill, in its present form, has with reference to two matters of rights. One is the right to information that is part and parcel of our machinery of government in Canada. This bill, as presently drafted, is quite weak in creating the Sport Dispute Resolution Centre, but it is not clear whether the standard that we set in place for Canadians to be able to exercise their right to information —

**The Hon. the Speaker:** Senator Kinsella, I am sorry to interrupt, but I should like to draw to the attention of honourable senators the fact that there is a significant amount of noise in the chamber at this time. I am having difficulty hearing Senator Kinsella. I should like to hear him. I ask honourable senators, if they must have conversations, to go outside of the chamber for that purpose.

**Senator Kinsella:** Thank you, Your Honour.

[ The Hon. the Speaker ]

Honourable senators, the issue that I raise with reference to Bill C-12 is the failure of the bill, in its present form, to adequately provide Canadians with the right of freedom of information. This is not a situation that should be difficult for us to embrace. The general machinery of government provides for the application of the Freedom of Information Act. We think that act should apply to this particular agency that would deal with sports.

In regard to the application of the Privacy Act, the same principles that we apply to the Department of Canadian Heritage or the Department of Health dealing with privacy ought to apply to organizations that are being established and that will operate as agencies, but in a new kind of relationship.

• (1420)

Every time a new federal agency is created that is subject to the jurisdiction of Parliament, we ought not have to argue *ex de novo* the validity of applying, whether it be the Official Languages Act or the Privacy Act and so forth, to those agencies.

I can understand how bills get drafted and the preparatory work that is done, often with particular community interest groups. In their specific focused approach to their area of interest, they do not have that broad view of, if you like, the corporation of the Government of Canada. It behooves us to ensure that those broad principles, whether it be the application of the Official Languages Act or, indeed, the Canadian Multiculturalism Act, that provide for a government-wide commitment to certain values, be in the act.

### MOTION IN AMENDMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I move in amendment, seconded by the Honourable Senator Atkins:

That Bill C-12 be not now read the third time but that it be amended:

(a) on page 13, by adding after line 10, the following:

"32. The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts";

(b) on page 15:

(i) by adding before the heading, "*Department of Canadian Heritage*" before line 17, the following:

"*Access to Information Act*

37. Schedule 1 to the *Access to Information Act* is amended by adding the following, in alphabetical order, under the heading "Other Government Institutions":

Sport Dispute Resolution Centre of Canada  
Centre de règlement de différends sportifs du Canada,

(ii) by adding after line 21, the following:



*"Privacy Act"*

39. Schedule 1 to the *Privacy Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada  
Centre de règlement de différends sportifs du Canada;  
and

(c) by renumbering clauses 32 to clauses 40 and any cross-references thereto accordingly.

**The Hon. the Speaker:** It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that Bill C-12 be not now read the third time, but that it be amended —

**Senator Kinsella:** Dispense.

**Hon. Eymard G. Corbin:** On a point of order, honourable senators, I am seeking clarification from the Chair with respect to Senator Kinsella's intervention. Was he recognized to speak in lieu of Senator Roche, or was he rising on a point of order? What was the nature of his intervention? That is what I would like to know.

**The Hon. the Speaker:** Honourable senators, as Chair, I took it that Senator Kinsella was speaking to the matter before us which was the amendment to Bill C-12 put by Senator Murray.

**Senator Kinsella:** No, I was speaking to the bill.

**The Hon. the Speaker:** Well, he could have been speaking to the bill, but we are, by agreement, dealing with all amendments on a stacked basis. There is perhaps a more elegant word, but that is the word we have been using. The Order Paper indicates we are dealing with a bill as amended by Senator Murray.

Senator Roche did stand, but Senator Roche has already spoken to Senator Murray's amendment, and in accordance with our rules, I did not let him speak.

Senator Kinsella then was speaking to the matter on our Order Paper, and he has now put an amendment, which I will put to the house.

It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that Bill C-12 be not now read the third time but that it be amended (a) on page 13 by adding after line 10 the following —

**Senator Kinsella:** Dispense.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Douglas Roche:** Thank you, honourable senators. I thank both house leaders for their courtesy to me. I hope I have not created a sense of rising expectations with this speech that has

been long awaited. I will do my best to be brief but also persuasive with the government, and I will enter an amendment at the end of my speech.

Honourable senators, we should take a moment to refresh our minds about the centrepiece of this bill. The centrepiece is that the Sport Dispute Resolution Centre of Canada will be enacted, an independent organization whose mission is to provide to the sport community a national alternative dispute resolution service for sport disputes and expertise and assistance in that regard.

The heart of my intervention, keeping in mind that I support the bill is that I do not like clause 35, which is a source of deep concern to me. As a matter of fact, I am operating here on a point of principle, because clause 35 says that the minister may dissolve the centre. In other words, he or she will have the right to dissolve by fiat that which has been legislated into existence. It is an act of Parliament that will bring this Sport Dispute Resolution Centre into existence, and yet an individual, albeit a minister of the Crown, will have the right to dissolve it. That is wrong.

If the government wanted to have the minister responsible at all stages for this body, the bill should permit the minister to set up the centre, and if, in the course of events, the minister decides to dissolve it, he or she would be able to do so. However, that is not what the government did. The government said, using very affirmative language in the bill, that the Resolution Centre shall be set up and then the centre shall be managed by a board of directors. In other words, there is no option in here.

I ask a simple question, honourable senators: Why are we enacting a law to set up something which we believe to be important and then giving an individual, albeit a minister, the right to dissolve it? I will confine myself to that argument.

The other day, in speaking to it in a manner that turned out to be procedurally incorrect, I laid down additional arguments, but I do not want to take the time of the Senate to dwell on these points. I think I have made my point clear. I object to clause 35. I should like to have it deleted.

• (1430)

## MOTION IN AMENDMENT

**Hon. Douglas Roche:** Therefore, I move, seconded by the Honourable Senator Murray:

That Bill C-12 be not now read a third time but that it be amended, in clause 35,

(a) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(b) on page 15, by deleting lines 1 to 7; and

(c) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-reference thereto accordingly.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

## [Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, Bill C-12, to promote physical activity and sport, addresses two distinct subjects. I am sure that the more physically active people are, the healthier they will be, and thus they will be able to cope with everyday stresses and maintain their bodies in harmony with their environment.

I acknowledge the importance of sports, but not all of us can practice high intensity sports, which require considerable fitness and sometimes lead to conflict. Bill C-12 proposes a Sport Dispute Resolution Centre to resolve conflicts and provide conciliation, perhaps even arbitration, on conflict situations.

I have three motions to move, one of which addresses linguistic duality, the second, Part IV of the Official Languages Act concerning the language of service, and the third, Part VII, which deals with supporting and assisting the development and enhancing the vitality of the communities. The purpose of these motions is to ensure that people required to comply with the decision of Parliament will have these three notions in mind: linguistic duality, service in the language of one's choice, and official language minority communities. We need to ensure access to this centre on a regular basis, with no difficulty and in both official languages.

My first motion, on duality, is based on the staunch conviction that many Canadians are irritated by the word "bilingual." We have been hearing bilingualism this and bilingualism that, right and left, for 30 years.

I remember how Dr. Gaston Isabelle, when an MP, described bilingualism as "the national ketchup that goes over everything." Bilingualism is blamed for every disagreement. Bilingualism is used as the grounds for any demand. We have neglected to explain to Canadians the difference between individual and institutional bilingualism. They are two different concepts. One is a matter of individual choice and the other an obligation, the obligation of an institution to serve people in the language of their choice. No more, no less.

This is why I firmly believe that the concept of duality is more modern and reflects more accurately what Parliament means by two official languages.

Let me tell you about the argument that was used in committee. The bill reflects the Official Languages Act. I agree. That act was passed in 1969 and amended in 1988. I was there. It is true that the term "bilingual" was misread, misunderstood and not properly explained for many years. The result is that there is a malaise when we talk about bilingualism. It is not hard to learn a second language. It can be done! While it may be more difficult for some, many Canadians find it perfectly normal to be able to work in both official languages and to debate issues in either French or English.

Let us not forget that, according to the 1996 census, in Canada, there are 19 million unilingual Anglophones, and four million unilingual Francophones, who mostly live in Quebec, but also in Acadia and Ontario. My grandparents did not speak English.

We are looking for equal access, for everything to be equal. Let us change the preamble by replacing the reference to the "bilingual character" with more modern language and talk about "linguistic duality" to better reflect constitutional duality. Nowhere in the Constitution Act, 1982, in the Charter of Rights and Freedoms, will you find the word "bilingual".

Some say that the concept of "bilingual character" was incorporated in Bill C-12 by modelling it on the Official Languages Act. To that, I can answer that the supreme law of the land, the Constitution, does not talk about bilingualism, but rather about two official languages. This is a different concept altogether: two equal languages, two languages to respect, two languages commonly used. It is not a matter of being bilingual. No one is required to be bilingual.

People who speak only one language and consider themselves to be full-fledged Canadians, even though they do not speak both official languages of the country, are absolutely right. We may remain unilingual in this country. But we must be served in the language of our choice by our institutions.

Removing the word "bilingual" from the bill would make the concept clearer and eliminate misunderstandings. We cannot honestly continue talking about bilingualism. Nowadays, we talk about linguistic duality. I think this is consistent with reality and appropriate.

## MOTION IN AMENDMENT

**Hon. Jean-Robert Gauthier,** seconded by the Honourable Laurier L. LaPierre, moved:

That Bill C-12 be not now read a third time but that it be amended:

in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

"social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;"

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1440)

**Senator Gauthier:** Honourable senators, I have two more amendments to move. I doubt that my time has expired.

[English]

**The Hon. the Speaker:** Senator Gauthier, your time has not expired. However, there are other senators who wish to speak. Senator Bolduc has risen a number of times. I will recognize Senator Bolduc now, and then I will return to you for your next amendment or your next intervention.

**Senator Gauthier:** That is generous of Your Honour, and I accept that.

**The Hon. the Speaker:** Senator Bolduc.



[Translation]

**Hon. Roch Bolduc:** Honourable senators, I would like to share some thoughts on Bill C-12.

My first comment deals with clause 5, which defines the role of the minister. This clause lists some 15 paragraphs, which will define this role with a degree of subtlety. Bill C-12 is about the system; however, the minister is using the bill to broaden his jurisdiction. Among other things, clause 5 mentions programs related to physical activity and sport, but I will allow you to read clause 5 yourselves.

I will not move an amendment. However, I am tempted to move one to say that nothing will interfere with provincial responsibilities concerning physical education in the school system. I believe that this is obvious and that we do not need to spell it out; however, one never knows.

[English]

**Senator Bolduc:** Nothing in this bill will interfere with the provincial responsibilities concerning physical education in the school system.

**Senator Kinsella:** I have one suggestion.

**Senator Bolduc:** There should be a minimum somewhere in the minds of the people, if it is not in the bill.

[Translation]

My second comment deals with the centre. The centre is a not-for-profit corporation. The centre is not an agent of the government and is not a departmental corporation. Departmental corporation is an old expression that dates back to the 1950s and was used in the first Financial Administration Act. Nor is it a Crown corporation. I am therefore left to wonder what it is. It is pretty puzzling.

Upon reading the clause the first time, one sees that the centre will have a board of directors, and that the centre will also settle disputes. It is not really a board of directors, nor an administrative tribunal, nor a Crown corporation, nor a departmental corporation. I cannot really figure out what, in fact, it is. It is a fact that Parliament is establishing it, and that the minister can dissolve it. This is legislatively inconsistent. In my opinion, Senator Roche's argument carries a great deal of weight. It is in the interest of everyone and it is a basic element. Otherwise, the minister could disregard the will of Parliament. It does not work at all.

My final comment is on the parliamentary overview of the administrative activities. The centre will exist, will be covered by statute, and will be part of the public machinery.

In the National Finance Committee, we learned that there are 86 agencies reporting to the chamber, submitting plans and priorities, and filing performance reports. The centre will be the 87th, but it is not indicated that any reports will be filed.

I would like to encourage parliamentary overview. I would therefore have a suggestion for amending Bill C-12:

That Bill C-12 be not now be read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following: "Auditor General of Canada"

The general principle of the system is that the Auditor General has a mandate over the entire public system, except for the exclusions. The Auditor General is there to keep an eye on all operations of the federal machinery. The exclusions are the Crown corporations, because these are government corporations.

#### MOTION IN AMENDMENT

**Hon. Roch Bolduc:** Honourable senators, I move that Bill C-12 be not now read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following: "Auditor General of Canada."

28.(1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

28.(2) The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Centre; and

(b) provide a report to the Chairperson and to the Minister on the audit and opinion.

28.(3) The Minister shall cause a copy of the Auditor General's report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report."

[English]

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, I want to move another amendment. It deals with Parts IV and VII of the Official Languages Act. Bill C-12 clearly says that the Official Languages Act does not apply to the Sport Dispute Resolution Centre. In my opinion, an amendment is essential, since this legislation is exempted from compliance with the Official Languages Act. I think that the concepts put forward in Parts IV and VII of the Official Languages Act must be clearly explained to Canadians.

• (1450)

Part IV deals with the language of service. It is quite simple. The centre will have to serve Canadians in both official languages. Part VII deals with the advancement of the official languages. The centre will have to enhance, promote and help the vitality of Canada's two linguistic communities. It is important that the bill be amended so that Parts IV and VII of the act — which deal with the spirit of the Official Languages Act — apply.

Honourable senators, because of a slight slip-up on my part, I do not have with me the text of my amendment. Therefore, I will propose that the debate be adjourned until a later date, so that I can conclude my remarks on this important issue.

**Hon. Lowell Murray:** Would Senator Gauthier agree to answer a question?

**Senator Gauthier:** Of course.

**Senator Murray:** Will Senator Gauthier's proposed amendment apply to the whole of Bill C-12? The honourable senator knows that the government and the Commissioner of Official Languages agreed that there is a constitutional problem in subjecting the Sport Dispute Resolution Centre to the Official Languages Act.

**Senator Gauthier:** I do not intend to propose that the Official Languages Act apply in full to the whole of Bill C-12. My amendment is important. I accept with reluctance that Bill C-12 be excluded from the full scope of the Official Languages Act, but I accept it nevertheless, because it was explained to me that there would be problems. Many conflicts will fall under provincial jurisdiction, and we would not want to impose Canada's Official Languages Act on the provinces. We would like to see them implement it, but they will not do so.

Under the bill, the Sport Dispute Resolution Centre of Canada to be established will be responsible for adopting a clear and definite language policy. The language of service and the promotion of both official languages will be among the obligations of the centre. I will bring this matter to the attention of the honourable senators when we resume debate.

**Hon. Serge Joyal:** Honourable senators, my question is along the same line as Senator Murray's. This is a very important question. When the Canadian government transfers to a provincial agency a federal responsibility for administering the service in question, can it evade its obligations under the federal legislation?

A Federal Court of Appeal judgment questioned the agreement between the Canadian government and the Minister of Justice of Ontario regarding the delivery of judicial services in both official languages in Ontario courts. The Federal Court cancelled this agreement, on the basis that Canadian citizens who applied to an Ontario court, which operated almost exclusively in English, could not obtain the services they would normally have received from a federal court. The Honourable Senator Gauthier is familiar with this judgment, because reference was made to it earlier when we considered his Bill S-32 in the last Parliament.

When the federal government establishes an agency in conjunction with a unilingual English province, which is under no constitutional obligation to provide services in the language of choice of the plaintiff — I am thinking of New Brunswick, where institutional bilingualism is applied to provincial services — can it evade its constitutional obligation to provide services in the other official language? This is a very important question, because it could mean that all the Canadian government has to do to shirk its responsibilities is to establish a federal-provincial agency and have it say it is very sorry not to be able to provide the services,

because the province is unilingual and it cannot force it to change its ways. I doubt that what is proposed in the bill is valid, given the judgment I mentioned earlier, with respect to judicial services in Ontario.

In preparing his amendments, should Senator Gauthier not take this important principle into account? As the Commissioner of Official Languages said, based on Senator Gauthier's remarks, this is a constitutional issue.

• (1500)

As I understand it, section 25 of the Official Languages Act stipulates that if the federal government transfers a jurisdiction to a provincial, municipal or regional authority, it has an obligation to Canadians to tell the agency, the person or the province in question that the Official Languages Act applies to the jurisdiction that they will be administering. They did not do it in the case of tickets, for example.

The courts said that the federal government was mistaken when it transferred a jurisdiction to a province and the province, in turn, delegated it to a municipality, which are provincial creatures, and that the province must tell the municipality that it must comply with the Official Languages Act. This is unavoidable. The Court of Appeal ruled on this.

I believe that the principle is established in section 25, which states it quite clearly. When in an area of federal jurisdiction, such as Pearson airport in Toronto, for example, it goes without saying that the municipality of Mississauga is responsible for applying the act, and regional transportation bylaws and giving tickets. The municipality was giving tickets that were only in English and there were complaints. There were legal proceedings and the court ruled that the agreement between the Department of Justice, or the federal government, and the Province of Ontario was not acceptable. Mr. Justice Blais gave them until March 31, 2002 to settle the matter. The Department of Justice went before Mr. Justice Blais and said that it was unable to reach an agreement and asked for an extension. The judge agreed. They now have until March 31, 2003. I do not know where they are at with that. I will certainly raise the matter in the Standing Senate Committee on Official Languages to find out what is happening in that case. It is an important one.

If it were true that the government could delegate its obligations and say that it was no longer its problem, that it was up to the agency, or the centre, or another organization, I do not think that would work. That would not work with me.

On motion of Senator Gauthier, debate adjourned.

## BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** I wish to provide honourable senators with some information on Motion No. 2 under Government Business. This was adjourned in the name of Senator Beaudoin. I wanted to make sure that all senators understood that items standing under Government Business are not adjourned in the name of anyone in particular. Anyone wishing to express views may do so without affecting the speaking privilege of the person who took the adjournment in a prior sitting.



I am inviting honourable senators wishing to speak to do so. That is why I offer the following information: I call upon any honourable senator, at any time, to speak to this motion if they had planned to, as it is a very important motion.

We have heard some excellent speeches that give food for thought. I am certain that a number of other senators will have contributions to make and that this motion, when it is referred to the committee, will certainly be subjected to lengthy consideration and will benefit from the opinions and the wisdom of honourable senators. We could all benefit from that.

[English]

## HERITAGE LIGHTHOUSE PROTECTION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Bill Rompkey:** Honourable senators, first I want to congratulate Senator Forrestall for bringing this bill forward. I want to say that, in principle, I share his motivation and wish to advance the cause he is espousing as much as I can.

However, in doing that, I would need to be cognizant of the federal purse. I would also need to ensure that we are not overstepping our bounds in terms of money. I would want to examine what other acts of Parliament and what other provisions and policies now exist which could achieve what the honourable senator wishes to achieve. I hope that this bill will be referred to committee where it will receive thorough examination so that all of those issues can be examined.

In principle, I know where the honourable senator is coming from. I know what he feels and what he means. Let me say how important lighthouses have been to the people where I live. In that regard, the words of the poem *Erosion* come to mind. The poem was written by E.J. Pratt, who was born in Western Bay, Newfoundland. He is not only a great Newfoundland poet but a great Canadian poet. Honourable senators, the poem goes like this:

It took the sea a thousand years,  
A thousand years to trace  
The granite features of this cliff,  
In crag and scarp and base.  
It took the sea an hour one night,  
An hour of storm to place  
The sculpture of those granite seams  
Upon a woman's face.

For me, those words encapsulate the importance of lighthouses. Our people have lived on the sea and by the sea. We are from the sea. Lighthouses have been a beacon and a direction in the part of Newfoundland from where Senator Cook comes. Down around the Grand Banks you will find on the upper storey of some houses

a widow's walk. There are many widows who lost their men at sea. They walked back and forth across that balcony looking out to sea, looking at the lighthouses and waiting for a ship to come in.

• (1510)

The "widow's walk" in Newfoundland might be comparable to the Lunenburg "bump." Senator Murray may know about this, or some of my colleagues here from Nova Scotia. There is a measure of architectural significance called the Lunenburg bump, which is a bay window, I believe. In Newfoundland we have the widow's walk, which symbolizes the importance of the sea and, therefore, the importance of lighthouses.

Honourable senators, we may not be able to preserve them all, but we should preserve some for their historical significance. I can think of the lighthouse at Point Amore, for example, in the area I used to represent in the Strait of Belle Isle. It was one of the oldest in the Atlantic provinces and presides over a virtual graveyard of ships.

I cannot remember how many ships are at the bottom of the Strait of Belle Isle, but all the ships from Europe would go through the funnel of the Strait of Belle Isle before they would arrive in the Maritime provinces and then go up the St. Lawrence to wherever they were going. Thus, it was an open door. It was the first barrier that they faced.

Honourable senators, that lighthouse at Point Amore was quite important. Senator Doody would remember it because when he was Minister of Finance in Newfoundland, they tried to start a tunnel under the Strait of Belle Isle when he served in the Conservative government.

There is a real significance to these lighthouses, as well as historic importance. That particular lighthouse has now been taken over by Parks Canada and opened up to tourism, which emphasizes its historical significance. People can walk through it and see how it works. It is still a working lighthouse.

I can think of another one, which is now a bed and breakfast. As a matter of fact, it is on an island.

Not only should honourable senators think about having the government operate these lighthouses in future, but there may be people in the private sector and indeed there are people in the private sector who would take them over and use them for tourist purposes, building on their historical significance.

This is an important measure that has been brought before us. It is a measure that we should examine in great detail. The lighthouses that exist in New Brunswick are no less important, and I believe the honourable senators from that province would, in principle, support this measure as well.

As I said in the beginning, we have to examine carefully the financial implications. We have to be careful to examine the other acts of Parliament and the other measures, policies and procedures that might be in place to do what it is that Senator Forrestall wishes to achieve.

Honourable senators, I support the bill in principle, but I hope that it is given a full examination in committee.

**Hon. Terry Stratton:** Would Senator Rompkey entertain a question?

**Senator Rompkey:** Yes, with great delight.

**Senator Stratton:** Is the honourable senator aware of what is happening with all the grain elevators in Western Canada?

**Senator Rompkey:** No, but I would be happy to have the honourable senator inform me.

**Senator Stratton:** They are being torn down or blown up. A way of life is gone.

**Senator Kinsella:** You have a much better sense of heritage.

**Senator Rompkey:** Honourable senators, although I am not from Western Canada and have not spent a great deal of time there, I appreciate how important those elevators are to the culture of Western Canada. There is a similarity here. I believe we are talking along the same lines because we are not just talking about the East Coast; we are talking about the coast of British Columbia as well.

**Senator Stratton:** It is nice of you to say that.

**Senator Rompkey:** I know how important this measure is to Senator Carney. However, when I go to British Columbia, I feel a kinship with that part of the country perhaps more so than others because it is a maritime area.

I understand that the centre of the country is Winnipeg, is it not?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the geographical centre of the country is located a few miles to the east of Winnipeg.

**Senator Rompkey:** I rest my case. Thus, I can appreciate how important grain elevators are to the culture. That is what we are talking about. We are not talking economics; we are talking about heritage and a way of life. We are talking about how people have lived, what they identify with, what they see in their past, and what their memories are about. That is why this bill is so important and that is why grain elevators are so important.

**Hon. Norman K. Atkins:** Honourable senators, I should like to lend my support to Senator Forrestall's bill. To follow along on Senator Rompkey's comments, I believe that we are talking about heritage and that the lighthouse is an important symbol of our history. I can give honourable senators an example.

There is a major lighthouse in a little Nova Scotian village called Spencers Island. In the 1980s and early 1990s, technology was taking over and the Department of Public Works began to wipe out all these lighthouses. The villagers on Spencers Island rose up against the decision to tear down their lighthouse. They collected money in Cumberland County to save that lighthouse.

Spencers Island is probably a village that not many people know about, but it is also where the *Marie Celeste* was built. The village has a history.

The lighthouses on the Bay of Fundy coast, let alone the Newfoundland coast, are a tourist attraction and they do reflect a history that is important to Canadians. I am very much in support of preserving some of the lighthouses in this country.

• (1520)

On motion of Senator Robichaud, for Senator Callbeck, debate adjourned.

[Translation]

## CRIMINAL CODE FIREARMS ACT

### BILL TO AMEND—REPORT OF COMMITTEE

Leave having been granted to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Gérard-A Beaudoin,** Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, tabled the following report:

Thursday, November 28, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### SECOND REPORT

Your Committee, to which was referred Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and to which instructions were given to divide Bill C-10 into two bills, has, in obedience to both orders of reference, examined the said bill and now reports that it has divided the bill into two bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), both of which are set out in Appendices A and B respectively to this report.

Your Committee has agreed to report Bill C-10A without amendment, and further reports that it is continuing its examination of Bill C-10B.

Respectfully submitted,

GÉRALD A. BEAUDOIN  
Deputy Chair

(For text of appendixes A and B, see today's Journals of the Senate, p. 234.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator Beaudoin:** Honourable senators, with leave of the Senate, I move that this report be taken into consideration now.



**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**Senator Beaudoin:** Honourable senators, the Standing Senate Committee on Legal and Constitutional Affairs received Bill C-10, to amend the Criminal Code and the Firearms Act.

The committee also received an order from the Senate to split Bill C-10 into two bills. Pursuant to these two orders or reference, the committee considered these bills and made two separate copies: Bill C-10A, to amend the Criminal Code and the Firearms Act, and Bill C-10B, on cruelty to animals.

We heard expert witnesses and we devised a way to solve the problem, because splitting a bill is always a complicated task. We ensured that we were going in the right direction. We took special care to ensure that the report on the first part, Document A, would not prevent us from pursuing consideration of the second part, Document B, on cruelty to animals.

Today, the report is on the first document, which will become the first bill, and the Standing Senate Committee on Legal and Constitutional Affairs will pursue consideration of the second document. Let us not forget that Bill C-10 was considered in committee and, pursuant to the order received from the Senate, we proceeded with consideration of the first part, while retaining the right to proceed with consideration of the second part.

[English]

**Hon. Anne C. Cools:** I wonder if I might ask the honourable senator a question.

**The Hon. the Speaker:** Would you accept a question, Senator Beaudoin?

**Senator Beaudoin:** Yes, I would accept a question.

**Senator Cools:** Honourable senators, I am looking at this report with interest. I observe that the bill was divided. I am mindful that the mandatory instruction to the committee ordered the committee to divide Bill C-10 into two bills.

Could the deputy chairman of the committee explain the reasoning that was given at the committee to name the bills "Bill C-10A" and "Bill C-10B?" My understanding is that this is an unusual procedure and is rarely done. The precedent is not clear. Perhaps the deputy chairman could tell us about the precedent that is being relied upon. I understand that that precedent is not reliable because it did not settle many of the questions. The precedent offered was that of Bill C-103, which was dealt with in 1988.

If it was the committee's intention to follow that precedent precisely and exactly, which has been referred to as a poor precedent, then the committee did not do that. In 1988, the instruction to the committee was worded almost exactly as this instruction was. However, in 1988 when that committee divided Bill C-103, it did not claim to create two new entities with two

new numbers. What it did was treat Bill C-103 as one bill in two parts, in other words, leaving some room for future decisions by others, either this chamber or the House of Commons, to confer a number on the bill.

What I am driving at is that, in 1988, when Bill C-103 was divided and when the committee reported on the division of the bill to this chamber, it reported in the forms of Bill C-103 Part 1 and Bill C-103 Part 2. Some people may think this is a slight and inconsequential point, but it is not. The 1988 precedent did not purport to try to name a bill on behalf of the House of Commons, which is what this particular report does.

Would the deputy chairman tell us what was in the minds of committee members when they chose to give Bill C-10 new numbers? That is exactly what was done. These are new numbers that did not exist before: Bill C-10A and Bill C-10B.

**Senator Beaudoin:** Honourable senators, we looked carefully at the legal and constitutional questions for many hours. There is no direct precedent. The precedent of 1941 is not the same as the precedent of 1988. In that sense, we have created a new precedent.

[Translation]

We complied with the order from the Senate to split the bill into two parts. We knew from the outset that we had to create a Document A and a Document B. When we devise a new way of doing things and have no precedent, we are very cautious, and we were indeed.

The work done in committee is now before the Senate. The Senate that has the power to follow up on it.

• (1530)

We have done everything to avoid repeating past mistakes. It will be up to the Senate to decide what it will do with the report.

We took a great deal of care to follow every legal and constitutional provision that might apply.

I cannot summarize everything that we discussed in committee and with the steering committee. We consulted with every expert that was available. I am confident that we chose the best route. When establishing a precedent in a house such as the Senate or the House of Commons, or in a committee, it is important to be careful to follow the legal and constitutional rules. I am convinced that this is the right approach to take.

We held a number of meetings on this point. This morning, the committee heeded the advice of the experts that were there. This precedent that we created is well founded. It should work.

We must not repeat past mistakes; however, we must have enough confidence in ourselves to try to establish precedents.

[English]

**Senator Cools:** Would the deputy chairman of the committee take another question?

**Senator Beaudoin:** Yes, I will, although I think my explanation is sufficient.

**Senator Cools:** Honourable senators, it would be a very interesting debate to be able to determine when a precedent is a precedent and how a precedent is created. My understanding is that it takes more than an event or a decision or something to happen once to make it a precedent to be followed. In other words, if we are not careful, one could make a mistake or one could have committed a bad practice, which then could become a precedent. In other words, first practices by themselves do not become precedents.

I am aware that the committee, and everyone else, seems to be relying on the events of Bill C-103 in 1988 to be a precedent. However, there has been no debate whatsoever in this chamber on that, because when the instruction was given to the committee, it was given devoid of any explanation or even proper instructions to the committee as to the premises and the basis on which the bill was to be divided. Bill C-103 is far from a clear precedent and far from a settled question. At the end of the day, there remain as many questions as before, by which I mean that the Senate's actions in respect to Bill C-103 were never accepted in the House of Commons. That is my first point.

Second, the Senate itself retreated from the position it had taken in respect of splitting the bill and yielded to the House of Commons opinion. To my mind, very distinct constitutional parliamentary mechanisms and rules must be followed. If the Senate in 1988 intended to create what it did on Bill C-103 as a precedent, when the House of Commons rejected the Senate's actions, the Senate would have insisted on the Senate's opinion. This is how a clear answer would have been put forth. If honourable senators will recall, in that same time frame, the Employment Insurance bill, for example, which I believe came before us in the fall of 1989 —

**The Hon. the Speaker:** I regret to advise honourable senators that Senator Beaudoin's time has expired.

**Senator Robichaud:** Question!

**Senator Cools:** I move adjournment of the debate, honourable senators.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Will those honourable senators in favour of the motion please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the nays have it. The debate will resume.

**Senator Cools:** Very well, honourable senators. I do not quite know how I can lift my remarks and just move them. I do not want to bore senators to tears by repeating everything I have

already said. I will attempt to bridge the concerns that I have on the particular question.

The fact of the matter is, honourable senators, that I lived through the events of 1988 and Bill C-103. I certainly am very well aware and understand very clearly what happened and why it happened. I was a party to those events.

Just to make the point, when the upper house has a disagreement with the lower house, certain steps should be taken if the Senate wants its will to carry; in other words, if it wants its will or its opinion to prevail. None of those steps happened in the incident of Bill C-103 in 1988.

Interestingly enough, if we were to look at the record and go forward a year or so when we had the unemployment insurance bill before us, which was 1989, I believe, at that time the Senate made certain amendments to the EI bill and sent a message to the House of Commons. The House of Commons sent a message largely rejecting the Senate amendments.

After careful debate and consideration, again I believe in committee, the Senate sent back another message saying that it did insist on its amendments.

Honourable senators at the time were inching their way toward what is called a conference between the two Houses, which is the only way to resolve a major difference between the two chambers. That did not happen in 1989 on the EI bill because a little while later the GST debate intervened, as did many other things that are on the record for anyone to examine.

I am not convinced that Bill C-103 and the actions therein form a precedent in that the questions were not settled. I kept raising procedural questions during the committee, quite frankly often to deaf ears, because I wanted committee members to be as crystal clear and to be as diligent as possible to ensure that we got this particular bill right so that we would not fall into the exact same pitfalls that might have been fallen into some years later.

I am not convinced, honourable senators, that we have not repeated the same errors of 1988. I regret that honourable senators did not go a little bit more slowly and proceed a bit more cautiously so as to really engage in the process of creating a precedent. That process is a difficult and diligent one, to be attended and accompanied by many citations and references.

• (1540)

What I would like to continue to say is that I am not of the opinion that this is a precedent. I am not of the opinion that our case before the House of Commons is a solid one. I am not convinced at all. However, I am always happy to be wrong.

What I would also like to place here on the record is that, in my opinion, the Senate has created a House of Commons creature, a House of Commons animal. If we look to this report, we see that we have two documents appended in the appendix, which is what the report says. The two documents are appended as Bill C-10A and Bill C-10B. What we have here is a miraculous conception



and a bizarre birth. The Senate, in point of fact, has given birth to two House of Commons bills: Bill C-10A and Bill C-10B. I cannot find any precedents or examples of that ever happening before. It is crystal clear that Bill C-103 in 1988 did not purport to create new bills. It purported to split a bill into two parts. I thought that should be recorded here.

Honourable senators, I understand clearly another problem that is worrying to me here. It is very bothersome to me, but there was no time in the Senate committee to raise these issues. However, while this bill was before the House of Commons, many members of the House of Commons attempted to have the bill split there because many members in the House of Commons contended that the bill was a collection of almost disconnected issues, so to speak.

I find it very interesting that the Minister of Justice, Martin Cauchon would not agree to have the bill split or divided over there but was willing to agree to have the bill divided over here. I find that very unusual. I do not understand how a minister of the Crown, the minister responsible for these areas, could agree to the bill in a particular form and could vote on it in that form and would not allow his supporters in the House of Commons there to alter the form of the bill. However, on the bill coming to the Senate, that same minister could agree to overturn the vote of the House of Commons and agree, for his supporters here, to execute what he was not willing to do in the other place. In a way, he is asking us, and has asked his supporters here, to agree to something here which will have to go back there to overturn a vote there.

I am under the impression, honourable senators, that the business of overturning votes in legislative chambers is a difficult and unusual business and that ministers should think twice and be cautious before they attempt to overturn a vote of the House of Commons by a Senate vote.

I submit to you, honourable senators, that that is what the Minister of Justice has asked his supporters here to do — or the government supporters here — namely, to overcome a vote of the House of Commons which was no longer useful to him for the needs of the moment that he identified at that particular time. I would submit to you, honourable senators, that that is a very wrong thing for any minister of the Crown to do.

Honourable senators, it is my intention to speak further on this matter at third reading. However, I thought it was important that the Senate record some of the facts around the particular case. I wanted the record to show very clearly that all senators here were not in agreement that the events of 1988 actually do constitute a precedent that should be followed verbatim and imitated in the future.

As far as I am concerned, the paucity of material in the reference books and the scarcity of examples — and I believe one of the Speaker's rulings began by saying that there was a dearth of examples to follow — should be an instruction to us and a counsel to us to move slowly and most cautiously.

What we may have done, honourable senators is not created a new precedent or a better precedent from 1988; we may simply have created another bad practice which some others in the future will seek to overcome.

Honourable senators, that is enough for the time being. I know that this whole business of the law of Parliament is terribly boring for many. However, I was trained to believe that the business of mastering the law of Parliament and mastering the business of Parliament is a matter that took enormous exertion and a lot of study. It is something that interests me; it is something that I love. It is something that I admire and it is something that I was raised to respect. I am very sorry if my constant interventions and if my constant upholding of these principles irks some people some of the time. However, I sincerely believe that this system of Parliament under the Crown, under the Queen, is, as far as I am concerned, the apex of the world's developments in constitutionalism. I was born that way and I was raised that way, and I propose to continue being that way.

**The Hon. the Speaker:** It was moved by the Honourable Senator Beaudoin, seconded by the Honourable Senator Bolduc, that the report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion.

**Hon. Senators:** Agreed.

**Senator Cools:** On division.

Motion agreed to and report adopted, on division.

**The Hon. the Speaker:** Honourable senators, when shall Bill C-10A be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

### THIRD READING—NOTICE OF TIME ALLOCATION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, it was impossible to reach an agreement to dispose of Bill C-10A.

I give notice that at the next sitting of the Senate, I will move:

That, pursuant to rule 39(2)(d), not more than a further six ours of debate be allocated for third reading of Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act;

That when the debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said question be taken in accordance with rule 39(4).

[English]

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, in terms of order, may I have some clarification? The Deputy Leader of the Government is certainly well within his rights to give that notice. However, to help honourable senators who travel to their provinces, is it your intention that, having given that notice, we would reconvene tomorrow morning in order for that motion to be debated and then return on Tuesday to have Tuesday for the fullness of the debate until the matter is disposed of? Or is it your intention that we would come back on Monday evening, debate the closure motion and then deal with the debate on Tuesday, the closure motion having been adopted on Monday evening? We are still in the same position at the end of Tuesday with the matter having to be disposed of.

• (1550)

I raise the question simply because many honourable senators travel a long distance across this very large land. This is where we are at, and the rules provide for the guillotine to be brought in. However, if we were to grant leave now to deal with the motion for closure, then we could come back at 2 p.m. on Tuesday. We would be at the same point in time as far as the substance of the bill is concerned. Effectively, it is a procedural matter that we are dealing with.

[Translation]

**Senator Robichaud:** Honourable senators, in response to my honourable colleague's question as to whether we intend to be coming back tomorrow or on Monday, when we proceed to the motion to adjourn, I will move that we reconvene on Monday, at 2 p.m., to consider this motion and the business of the Senate before us at that time.

[English]

**Senator Kinsella:** Of course, coming at 2 p.m. on a Monday makes it that much more difficult for our colleagues from the West Coast. That means that they would have to travel on Sunday to be here in time, unless they travelled all night long on Sunday night. If all that we are going to achieve on Monday, effectively, is the debate on the closure motion, why not deal with that now and then come back at 2 p.m. on Tuesday? We would be just as far ahead.

[Translation]

**Senator Robichaud:** Honourable senators, we could have avoided coming back on Friday or Monday, if an agreement had been reached with the honourable senators opposite to end the debate on this bill by Tuesday, at 5:30 p.m. or another time agreed upon. Since no agreement could be reached, I have to proceed in accordance with rule 39(1), which states that the Deputy Leader of the Government may give notice of the terms of a motion to allocate a specified number of hours or days of debate on an issue. This is precisely what I am doing.

To be sure that the debate will end on Tuesday, we must come back on Monday to ensure that everything is in order. It may be too late to come to an agreement now, but, with leave, it is always possible to change that, if that is what the honourable senators present want.

[English]

**Hon. Lowell Murray:** Honourable senators, we have reached such a pique that I cannot wait until Tuesday's caucus to ask the following question. My friend the Deputy Leader of the Opposition is now prepared to accommodate a closure motion. Why can he not accommodate the debate on third reading? Is it that the demands of the government on this matter have been so thoroughly unreasonable as to be absolutely beyond the pale, or is there some other reason? My friend has suggested that we accommodate a debate on a closure motion. I have never heard of such a thing in Parliament. As I say, I cannot contain my curiosity until Tuesday's caucus.

**Senator Kinsella:** I made my best attempt in the best interests of all honourable senators. Our caucus will take place on Tuesday, well after the closure motion debate Monday.

**Hon. Douglas Roche:** I do not have a house leader to speak for me, so I will say that I certainly give my consent for the expeditious treatment of this bill. As one member from Western Canada, and perhaps speaking for others, it is extremely difficult, particularly at this time of the year, to get airline reservations to get oneself back here. I think some consideration should be given to a regularity of hours so that we are not put into these very difficult situations.

**Hon. Sharon Carstairs (Leader of the Government):** I recognize what Senator Roche has said. I, too, come from the West. The reality is that we should be sitting five days a week. That is what our calendar says. We choose to sit most times three days a week. However, there are occasions when it is necessary to sit on those Mondays and Fridays.

By introducing the closure motion today, because the decision had been made earlier that we would sit tomorrow, we are trying to avoid having senators make arrangements both for today and again potentially for Sunday, in the honourable senator's case, but if not, early on Monday morning. I believe it is important that we try to accommodate honourable senators in any way, shape or form.

I had also indicated the suggestion that we meet on Monday evening rather than Monday at 2 p.m. Apparently, a number of senators on both sides of the chamber are engaged in a fashion show on Monday evening, and the preference was indicated for a meeting at 2 p.m. and not in the evening. The fashion show is in honour of charity, and in fact a charity well known to many of us in this chamber, the United Way. That is the reason we are not sitting Monday evening but are sitting Monday at 2 p.m.

I can assure the honourable senator that when we look at options for extra sittings of senators, we take everything into consideration.

**Hon. Anne C. Cools:** I think I am misunderstanding, but I just want it to be clear. The leadership is giving notice now, not moving the motion. Am I correct in that?

**Senator Carstairs:** That is right.

**Senator Cools:** The honourable senator said a few minutes ago that they had introduced the motion, because my understanding is that notice is clearly required.



It is my understanding as well that on Monday at 2 p.m., the debate on closure will begin. Let us just clarify it.

**Senator Carstairs:** I thank the honourable senator for that opportunity to clarify. Clearly this is a notice of motion. The notice of motion means that the actual motion will take place at our next sitting, and the next sitting, to indicate to honourable senators something which will come later in this afternoon's proceedings, will be at 2 p.m. on Monday.

**Senator Cools:** Honourable senators, again to the Leader of the Government in the Senate, I am very mindful, as I listen to the discussions and the exchanges between Senator Kinsella, Senator Carstairs and Senator Robichaud, that due consideration is given in respect of the wishes of senators opposite. However, I must also add, as a member of the government supporters on this side, that this notice of motion is news to me. I encourage the leadership on our side to be diligent in informing their own side of events as they would be unfolding.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### FOURTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (depositing committee reports) presented in the Senate on November 21, 2002.—(*Honourable Senator Milne*).

**Hon. Lorna Milne** moved the adoption of the report.

She said: Honourable senators, on October 23, in response to Senator Murray's question of privilege, Senator Kirby suggested that it would be useful to have the matter of the practice of depositing of committee reports with the clerk clarified, and the matter was referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

• (1600)

This order of reference raises the often competing interests of the Senate and senators' undoubted right to be the first to receive the work of one of its committees versus the desire of committees to maximize the public's awareness of their work. The committee struggled with these issues and engaged in a vigorous discussion. In the end, this report reinforces and underlines to honourable senators that committee reports must —

**The Hon. the Speaker:** Senator Milne, on your behalf and on behalf of all senators, I would ask for order. I would ask senators who wish to have conversations to please carry them on outside of the chamber.

**Senator Milne:** Honourable senators, we want to underline to all senators in this chamber that committee reports must be tabled first in the Senate chamber unless there are exceptional circumstances. Senators need to carefully consider requests authorizing reports to be deposited with the clerk.

This report of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament reminds honourable senators that they have rights, that they need to guard them

carefully, and that motions seeking to set aside the rights of honourable senators should be more explicit in this respect.

We are all agreed that much of the most important and significant work of this place is done in our committees. This point has been made even more clearly in recent weeks with reports on illegal drugs, the Canadian health care system and the military, to name but three. It is essential that the work and recommendations of Senate committees be as broadly disseminated as possible. The Standing Committee on Internal Economy, Budgets and Administration requires committees to develop communications strategy with that end in mind. However, we must not lose sight of the rights of all senators to see reports before, or at the same time as, they are made public.

In short, the following have been recommended: that there is an overarching requirement to table reports in the Senate before all else, unless there are exceptional reasons to do otherwise, such as anticipated lengthy adjournment, prorogation, dissolution or a media strategy that has elements compelling enough to persuade honourable senators to set aside their rights; that motions asking for such authority should not be included in motions for orders of reference; that any such request should only be made immediately prior to a perceived need so as to be absolutely clear as to the need; that the onus is entirely upon that committee requesting this leave to persuade the Senate of the need to use this mechanism; that it is absolutely necessary for a committee, which has been given this authority, to give adequate notice to their colleagues when a deposit with the clerk is about to take place; that they make copies available in electronic and paper format immediately to their colleagues; and that briefings, where appropriate, be available to senators and/or their staff at the earliest possible opportunity. It is the belief of the Rules Committee that these recommendations reflect the concerns and importance that honourable senators place on their traditional rights, while still allowing the flexibility that the Senate is so rightly proud of in the conduct of its affairs.

Your committee believes that the adoption of this report will provide clarification and guidance for the Senate in this matter.

On motion of Senator Corbin, debate adjourned.

## BUSINESS OF THE SENATE

**Hon. Anne C. Cools:** Honourable senators, concerning a point of order, sometimes it takes a long time to hear or to be heard from this back corner. Sometimes His Honour moves too rapidly for us here in the back corner.

## SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

### MOTION—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*).

**Hon. Douglas Roche:** Honourable senators, I rise on a point of order. This motion is in my name, and Senator Rompkey is leaving. This is the tenth day. The subject matter of this motion is extremely important. The Iraq situation is dealt with every day in Question Period. Can the Deputy Leader indicate to me when this motion will be spoken to and voted upon, because it has been dragging on for a long time?

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I will certainly make representations to the Honourable Senator Rompkey, asking him to speak to this matter within a short period of time so that he has time to prepare. I know Senator Roche has been very patient and would like to have his motion dealt with, so I will make those representations.

Order stands.

## PARLIAMENT HILL

### ACCESS TO PRECINCT—MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Banks:

That the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service do take care that during this Session of Parliament streets and roads leading to the Senate precincts be kept free and open and that no obstruction be permitted to hinder the passage of Senators to and from the precincts of this House; and

That the Clerk of the Senate do communicate this order to the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Eymard G. Corbin:** I have already spoken on this matter, as honourable senators will recall. However, this order now stands at day 10, and I have a hunch that no one else wishes to speak to it. The motion stands in Senator Robichaud's name simply for the purpose of accommodating potential eventual speakers. However, since no one is coming forward, I wonder if there is a will and a disposition to vote on this matter and to refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament at this time.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Perhaps the honourable senator would repeat his request for Senator Robichaud.

**Senator Corbin:** I noticed that he was in serious conversation about the interests of this house.

[Translation]

Honourable senators, it seems to me that no senator wishes to speak to Motion No. 3, adjourned in your name.

It is not that I am concerned it will be dropped from the Order Paper after fifteen days, but the Deputy Leader of the Government has indicated that his reason for requesting that this motion be adjourned was simply to accommodate senators who may want to speak on the subject. Nobody seems to be interested.

I am interested, however, in having the Senate Standing Committee on Rules, Procedures and the Rights of Parliament examine the subject matter of the motion. Everyone knows that this is a committee where individual initiatives are always considered after other matters, deemed more urgent.

If the subject matter of this motion were referred immediately to the Senate Standing Committee on Rules, Procedures and the Rights of Parliament, the committee could perhaps take it under advisement and report in a near future.

• (1610)

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, this motion has been on the Order Paper for some time, and I moved adjournment of the debate on it in order to allow some senators to speak to its content.

We have recently introduced some new security measures relating to access to the Hill, and some senators might have liked to suggest others. If no one wants to say anything on this motion, however, I will move that it be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[English]

**Hon. Anne C. Cools:** Honourable senators, I think that Senator Corbin's motion is an excellent one, and very well intended. It speaks to a very relevant and pertinent matter. I had not been paying too much attention to it, but I was just glancing at it following the debate. If we are short of speakers, I would be happy to take the adjournment and speak to it next week. However, the intent, content and substance of the motion is so crystal clear, I really do not understand why we have to refer it to anyone other than the judgment of this house.

I admire Senator Corbin for bringing it forward. I know the historical perspective from which he has done so, and I am mindful of the problems that we have all had in gaining entry to the Hill in the past year. I understand the context and the purpose of the motion. It seems to me it is pretty clear on its face. I do not see why we simply cannot proceed, if Senator Corbin is willing, to move on and put the question. It is perfectly clear.



[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I shall be governed by what Senator Corbin wants to do about this motion. He is the originator and would like to see it referred to the committee. I have no objection to that.

Perhaps Senator Corbin would like to provide the committee with the reasoning behind the fact that the security system impedes his comings and goings, and to take the opportunity at the same time to make some suggestions, no doubt. I will therefore bow to Senator Corbin's wishes.

[English]

**Senator Corbin:** Honourable senators, do I have a right of closure on this motion?

**The Hon. the Speaker:** I did not hear the question.

**Senator Corbin:** Do I enjoy that right on this type of motion? I have already spoken once. If no other senator wishes to speak, I would like to make a final comment.

**The Hon. the Speaker:** I should put to the Senate the matter of whether Senator Corbin has the right of reply. It is a substantive motion. If he speaks now, his speech will have the effect of closing the debate.

**Senator Corbin:** I wish to add, honourable senators, to the comments I made earlier, during which I did not go into any details because what we are dealing with are technical matters of security, freedom of circulation, not only on Parliament Hill itself but also to the annexes of the other buildings occupied by senators and members of Parliament. It is not simply a matter of access; it is a matter of getting around, doing our work properly and being able to get to our committee assignments in time.

There are now two entrances to the Hill: one in front of the main building, and one at Bank Street, which is a pain for many people. We talk about Kyoto. I have to make quite a detour and burn much more gas to get to the other gate when this main gate is chained and padlocked. I think that is quite improper in view of the traditional rights of access of members of both Houses to their place of work.

Today I had to go to a meeting in the Victoria Building, and it is sometimes problematic getting there. I have noticed a number of senators not taking the crosswalks, taking their chances with speeding cars. There is no one facilitating the access of parliamentarians crossing from one building to the other building, especially when you have to cross Wellington Street. It is a problem getting out of here. We have to stand in line for the green buses, which have a terrible habit of letting off passengers at the stop sign, instead of doing it just beyond the stop sign so that we can go on to our other assignments and get out of this place when we want to. There are a number of other matters, but I will not bother honourable senators with them today.

This is why I think the Standing Committee on Rules, Procedures and the Rights of Parliament could best deal with this sort of problem. I am seeking to have put in place the type of practice that they have had in place for many years now at Westminster, to accommodate the Lords and members of the

Commons to go about their business, to facilitate their entry on the parliamentary grounds, as well as the exit. I am all for security. However, we still have to put in place, in spite of what we are told, all this —

[Translation]

When we got our last access cards, we were told they would work wonders, including opening doors. But when we get to the barrier, there is no electronic control.

[English]

In this day and age, that is unforgivable, because there are ways of facilitating the speedy access of parliamentarians to their place of work.

Many members are bothered by the RCMP. I came into work last Saturday. I had a number of files that I wanted to archive, and I could only do it on a Saturday. I came in. It so happened that, when I got there, the RCMP officer at the so-called Bank Street entry was cleaning the snow off his windshield some distance away from the checkpoint. I had to wait for him to come in. Then he said, "Who are you?" I told him, "I am Senator Corbin." His reply was, "Well, I do not know you. Prove to me you are Senator Corbin." I said, "There is the sticker in the back windshield of my car. I have been here for 35 years, almost. How long have you been here, sir?" His reply was, "Oh, I was off yesterday, and there is no way I can identify every senator who comes on the hill. I want you to produce identification for me." That is the kind of annoyance that is totally unnecessary in this electronic age. It is the sort of thing that I wish we could modernize and redress. I think we can do it. We have done it in a number of other situations.

• (1620)

Take the example of the Honourable Senator Gauthier, who has been severely handicapped following a very serious illness. He has been provided with the means to function, and function well, as a senator. We ought to extend that concept so that our rights and privileges are respected. That is all I am asking for.

Therefore, I am asking for the question, honourable senators.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

## CRIMINAL CODE FIREARMS ACT

THIRD READING—TIME ALLOCATION—  
MOTION ADOPTED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I am very pleased to inform you that an agreement has been reached regarding the disposal of the stages of Bill C-10A. Consequently, I move, seconded by Senator Kinsella:

That, pursuant to rule 38, in relation to Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, no later than Tuesday, December 3, 2002, at 5:30 p.m., any proceedings before the Senate shall be interrupted and all questions necessary to dispose of third reading of Bill C-10A shall be put forthwith without further debate or amendment, and that any votes on any of those questions be not further deferred; and

That, if a standing vote is requested, the bells to call in the senators be sounded for thirty minutes, so that the vote takes place at 6:00 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

#### POINT OF ORDER

**Hon. Anne C. Cools:** Honourable senators, I rise on a point of order.

Your Honour, it would be very easy to proceed properly. I was on my feet before the question was put. I wanted to ask a question.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** It is not a debatable motion.

**Senator Cools:** I wanted to ask a question.

Honourable senators, the intention of the rules is to ensure that proper notice is given and that there is ample opportunity for debate. It is very improper to use rules to stifle debate.

A few minutes ago we were told one situation, and a few minutes after that we are told that there is an agreement. The least the leaders can do is inform the members on both sides of what is happening.

**The Hon. the Speaker:** It would probably be helpful if I read the relevant rule, which is rule 38. It states:

At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may state from his or her place in the Senate, that there is an agreement among the representatives of the parties in the Senate to allot a specified number of days or hours to the proceedings at one or more stages of any item of government business. At the same time, without notice, the said Leader or Deputy Leader may propose a motion setting forth the terms of such agreed allocation and every such motion shall be decided forthwith without debate or amendment.

[ Senator Robichaud ]

I am relying on that rule in indicating that this is a non-debatable motion, and I would ask the Table to proceed.

[Translation]

#### OFFICIAL LANGUAGES

MOTION AS MODIFIED TO AUTHORIZE COMMITTEE TO STUDY REPORT ENTITLED "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"—DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier,** pursuant to notice of motion of October 29, 2002, moved:

That the report entitled *Environmental Scan: Access to Justice in Both Official Languages*, revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to the Standing Senate Committee on Official Languages for study and report.

That the Committee review the issue of clarifying the access and exercise of language rights with respect to the *Divorce Act*, the *Bankruptcy Act*, the *Criminal Code*, the *Contraventions Act* and other appropriate acts as applicable.

He said: Honourable senators, I forgot to set a deadline for the tabling of the report. I would like to amend the wording of this motion slightly by adding the following at the end of the motion:

That the Standing Senate Committee on Official Languages report to the Senate no later than May 31, 2003.

The report, a pretty voluminous one, was prepared by the research firm PGF Consultants for the Department of Justice. This report makes it quite clear that a real policy regarding the active offer of judicial services in the official languages of this country has to be put in place to strengthen minority official language communities, which continue to be vulnerable. This was the idea behind a so-called "restorative" justice. In clear terms, this means justice that is accessible to all and that redresses injustices.

I would like the Senate to consider access to legislation, as opposed to the amendments to legislation.

• (1630)

I am not talking about amending the *Divorce Act* or the *Bankruptcy and Insolvency Act*. I am not talking about amending the *Contraventions Act*. I am talking about access to these laws for official languages communities.

The document clearly indicates that access to these laws is sometimes very difficult for minority official language communities.

Take the *Divorce Act*, for example. This is federal legislation, but it is the provinces that are responsible for most of the administration of the act. The same is true for the *Bankruptcy and Insolvency Act*. It could also be the case for legislation related to the *Criminal Code*, which is administered by the provinces. I simply want to improve access to these laws.



Last year, in London, Ontario, French lawyers said that it was difficult for a person to have a divorce case heard because there was no judge who could try the case in French. When people want to undertake legal proceedings, they are told that there can be no trial in their language of choice because there is no judge to hear the case. Their case can be heard in two or three months' time, or more, because a judge has to be brought in from elsewhere. If they accept to proceed in English, the case can be heard in a week.

Imagine a woman who has two or three children, who is having marriage problems, and who is told that if she wants to speak French in London, Ontario, and undertake divorce proceedings, it cannot be done in French for two or three months. She needs economic support, she needs support, and she is having problems.

I wrote the Minister of Justice asking him for a concrete solution: for a judge who speaks both official languages, who understands them both and who is able to hear divorce cases in both languages, to be appointed in London.

Within four or five months, the Department of Justice appointed Justice Rockland to London, Ontario. This lady speaks both official languages and can hear divorce cases. The problem, if it existed, was solved.

In Manitoba, lawyers told me the same thing needed to be done there. I told them that I was unable to do everything for everyone.

There was a document entitled "Environmental Scan", which, if considered in committee, might give us the chance to hear from representatives of minority official language communities to explain the problems they have had in accessing these federal acts that are administered by the provinces. That is all I want to do. I move that this motion be adopted.

[English]

**The Hon. the Speaker:** Before putting the motion, is it agreed, honourable senators, that Senator Gauthier's motion be varied by adding at the end the words, "and that the committee report no later than May 31, 2003"?

**Hon. Senators:** Agreed.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I am speaking to this motion as the Chair of the Senate Official Languages Committee, of which Senator Gauthier is a member of the steering committee.

A message has been sent to all members requesting that they identify all priorities and studies we ought to undertake.

I am in agreement with our examining this very important report. I am, however, a bit uncomfortable with the March 31, 2003 deadline. I hope you will have comments on this at the next committee meeting.

**Senator Gauthier:** What I said was May 31, 2003, not March 31, 2003.

**Senator Losier-Cool:** Oh, pardon me.

On motion of Senator Corbin, debate adjourned.

[English]

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE— ORDER WITHDRAWN

On the Order:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine such issues as may arise from time to time relating to energy, the environment and natural resources.

**Hon. Tommy Banks:** Honourable senators, subsequent events having overtaken this motion. I would ask leave of the Senate to have it withdrawn.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Order withdrawn.

[Translation]

## OFFICIAL LANGUAGES

### MOTION TO AUTHORIZE COMMITTEE TO STUDY ANNUAL REPORTS RELATING TO OFFICE OF COMMISSIONER—MOTION MODIFIED TO STUDY OPERATION OF OFFICIAL LANGUAGES ACT— DEBATE ADJOURNED

**Hon. Rose-Marie Losier-Cool,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on Official Languages be authorized to study and report upon the budget estimates and annual report of the Office of the Commissioner of Official Languages, as well as on the annual reports of the Treasury Board and of Canadian Heritage as to their obligations under the *Official Languages Act*;

That the Committee table its final report no later than March 31, 2003.

[English]

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

**Senator Losier-Cool:** Honourable senators, under rule 30, by leave of the Senate, I wish to modify this motion. I overlooked something.

I move:

That the Standing Senate Committee on Official Languages be authorized to study and report from time to time upon the operation of the *Official Languages Act* in Canada in general and in the federal public service in particular;

That the Committee table its final report no later than March 31, 2004.

[English]

**The Hon. the Speaker:** The request is that the following be substituted for the motion. Is leave granted, honourable senators? Shall I read the motion?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The request is that the following motion be substituted for the one listed in the Order Paper as No. 68, and I will read it. It is as follows:

That the Standing Senate Committee on Official Languages be authorized to study and report from time to time upon the operation of the *Official Languages Act* in Canada in general, and in the Federal Public Service in particular, and that the committee table its final report no later than March 31, 2004.

Is it agreed, honourable senators, to make this change?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** This motion, then, is in place of the one that I originally read.

I now reconfirm. Is it your pleasure, honourable senators, to adopt the motion?

**Senator Losier-Cool:** Honourable senators, the only change is the one on the budget and the date; instead of 2003 it is 2004.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, if we are in debate on the new motion, I am concerned with the deletion of the Department of Canadian Heritage, in particular.

• (1640)

I wonder whether the mover of the motion would accept, as a friendly amendment, the following: "... in general and in the federal public service and with special attention given to the Department of Canadian Heritage."

The reason I should like to see that phrase in the motion is that of all the ministries in the machinery of government, the Ministry of Canadian Heritage is the one that has the most number of programs or responsibility for citizen participation programs and the promotion of the official languages with citizens' organizations across Canada.

**Hon. Lowell Murray:** As well as the federal-provincial agreements.

**Senator Kinsella:** Exactly. It would be opportune that our new Standing Senate Committee on Official Languages would examine this subject and do a longitudinal study. My hypothesis is that there has been a serious erosion of citizen participation programs and the promotion of official languages communities in that ministry over the past 10 years.

I should very much like to have that hypothesis tested by our new Official Languages Committee. If Canadian Heritage is not at the lead with ever-enriched programs for promoting official languages in communities across Canada, there is no one else to do it. I like the original motion with the particularity that was attached to it.

I believe that I understand the reason this motion is before the chamber; it is so the committee would have a broad sweep in its order of reference. Perhaps, as a friendly amendment, we could reinsert the Department of Canadian Heritage for the reasons that I just mentioned.

**Senator Losier-Cool:** I thank Senator Kinsella for his comments. Honourable senators will understand that we are talking about the public service sector in particular. However, I have no objection that this will be clearly specified. Senator Kinsella is correct that it is my intention to look carefully at how Heritage Canada might better promote section 7 of the *Official Languages Act*. I will accept the friendly and precise amendment.

**Hon. Jean-Robert Gauthier:** Honourable senators, I am a member of the committee, and I am somewhat confused. I have not seen this amendment before.

If we are planning to remove Heritage Canada and Treasury Board from the motion, why do we not simply include the words "federal institutions?" The *Official Languages Act* covers all federal institutions. That would take care of all departments, including the Public Service of Canada.

**Senator Losier-Cool:** Honourable senators, I completely agree. I believe we are saying the same thing. The federal public service includes all of the federal ministries.

**Senator Gauthier:** I am in the hands of the Deputy Leader of the Opposition. My point is that when a motion is too specific, the scope of work is restricted. I do not think we want to be specific. We should like to have as wide a mandate as possible. By saying "federal institutions," we know what we mean. There are a number of federal institutions recognized and created by Parliament. I should like those words to be part of that motion.

**Senator Murray:** Honourable senators, I agree completely with what has moved Senator Kinsella to make his suggestion.

The Department of Canadian Heritage is very important, not only in terms of the support that it is supposed to bring to official language communities across the country, but also because, if I am not mistaken, it inherited from the old Secretary of State department the responsibility for federal-provincial agreements, which, among other things, helped to finance minority-language education in the in the provinces. I agree completely with Senator Kinsella on that matter.

[ Senator Losier-Cool ]



As Senator Gauthier suggests, the matter could be covered by referring only to federal institutions.

With great respect to Senator Losier-Cool, I suggest that the reference to the public service does not cover the waterfront. The reference to the public service in the context of bilingualism has a special and particular meaning that has to do with the language of work and equitable representation in the public service. The reference to the federal public service does not necessarily include the matters that were raised by Senator Kinsella.

Either we accept Senator Kinsella's friendly amendment or Senator Gauthier's alternative, which is a reference to federal institutions.

**Senator Kinsella:** I am very favourably disposed to Senator Gauthier's approach. However, my amendment could indeed be attached to Senator Gauthier's amendment. The words that I would add would be simply: "... with special attention to the Department of Canadian Heritage." If there is a reference to all institutions, or the way that Senator Losier-Cool has worded the motion, I simply want to have included the specific mention of the Department of Canadian Heritage.

**Senator Losier-Cool:** If both honourable senators agree, we could use the word "institutions" and specify also Canadian Heritage.

**Hon. Serge Joyal:** I do not wish to stir the pot further, but my concerns arise from the fact that within a week, I hope, we will receive the results of the Statistics Canada census, especially centred on rates of assimilation. This is a compelling issue that relates as much to the English language minority in Quebec as it does for the French language minority in the rest of Canada. This will become a measurement with which to reappraise programs as well as to define priorities.

The point raised by Honourable Senator Kinsella, especially in relation to the programs that Canadian Heritage is managing to the benefit of the official languages minority, is of particular importance to the future work of the committee.

[Translation]

**Senator Losier-Cool:** Honourable senators, I can indicate that Statistics Canada has already been invited to appear before the Standing Joint Committee on Official Languages in early 2003.

**Hon. Eymard G. Corbin:** Honourable senators, I too now sit on the Standing Senate Committee on Official Languages, and I had not seen this proposal. In fact, I saw it on the Order Paper, but I was not on the steering committee of the Standing Senate Committee on Official Languages that adopted this proposal, which seeks to get leave from the Senate.

In light of the various comments heard from both sides, I think it would be preferable to set the motion aside for the time being. We must be reasonable and allow the committee to think about the scope of the work to be done in the coming year and in the following year.

It is for this reason that I adjourned the debate on Senator Gauthier's previous motion to set a date for the final report on the study entitled "Environmental Scan: Access to Justice in Both Official Languages", which was revised on July 25, 2002.

The committee should only undertake what it can reasonably study in a given period.

• (1650)

As a member of that committee and as a senator, I would prefer if the chair of the committee came back with another proposal, so as to meet the concerns expressed by a number of senators today.

**Senator Losier-Cool:** I agree with this proposal. However, this motion was presented on November 20 and since then we have never made it to this item on the Order Paper. It has always been postponed. The committee will hold its first official meeting on Monday. I must obtain leave from the Senate to allow it to sit. I wanted this motion to be adopted sooner, but the Senate always adjourned earlier. Therefore, I am asking leave of the Senate to begin our proceedings. I will come back with a more definite work plan if the Senate allows us to move forward.

On motion of Senator Corbin, debate adjourned.

[English]

## TRANSPORT AND COMMUNICATIONS

### MOTION TO AUTHORIZE COMMITTEE TO STUDY MEDIA INDUSTRIES—DEBATE ADJOURNED

**Hon. Joan Fraser,** for Senator Day, pursuant to notice of November 26, 2002, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.

She said: Honourable senators, I know the hour is late but, as I hope will become clear, there are reasons for speaking to this motion today. It does need to be spoken to because there are many people across the country who will pay attention to what is said here this day.

This motion would authorize the Standing Senate Committee on Transport and Communication to undertake a wide-ranging examination of issues relating to the media industries in Canada. It reflects discussions that occurred in committee and a general consensus in the committee on this subject.

To set the stage for this motion, honourable senators, I believe it is worth taking a short look at history. Next month, it will be 32 years since the special Senate committee headed by our former colleague, Senator Keith Davey, published its landmark study of the Canadian media. Nothing quite like it had ever been done before.

Senator Sparrow, who was a member of that committee, will recall that when the Senate launched it, it was viewed, particularly in the media, with considerable suspicion. There was then, as now, considerable public concern about concentration of ownership in the mass media, but there was much skepticism about having a Senate committee look into the matter. After all, freedom of the press consists first of all of freedom from government control. That is the most basic, though certainly not the only, element of the role of the media in a true democracy. Except in the very rarest of circumstances, the state has no business in the newsrooms of the nation.

As Senator Davey and his colleagues went about their work, however, they inspired first interest and then considerable respect. It became apparent that this was not a body of politicians out to get the media. Indeed, one of their concluding observations was as follows:

We hope the media will not be reluctant to embarrass the powerful. If the press is not a thorn in the side of the Establishment, it is a wart on the body politic.

As that suggests, the members of the Davey committee had a profound appreciation of the importance of the media and of the complex and delicate role that the media play in Canadian society. Their objective was simply to see whether and how public policy or other things could contribute to the flourishing of vigorous, excellent Canadian media. As it happens, honourable senators, I can testify personally to that to some extent, since I was on one of the panels of journalists who appeared before them.

Not everyone liked the committee's report, of course, particularly its call for a press ownership review board. I was one of those who did not like it. Indeed, many of the recommendations have been largely forgotten now, though they did have some influence at the time. I am thinking of the call for the establishment of a national press council, which did eventually lead to the establishment of provincial press councils. In addition, some of the Davey committee's observations ring strangely today, for example, the following comment:

No matter how good the editor, he is ultimately at the mercy of the man he sends to do the story.

In the world of the Davey committee, journalists were all still newsmen.

The fact-finding work and analysis that the committee did, however, had a major impact that still merits attention today. The report is still studied in journalism schools, as it should be.

[Translation]

Many things have changed, however, honourable senators, since the days of the Davey report.

In a way, the most significant change is the fact that we now have the Canadian Charter of Rights and Freedoms, which guarantees freedom of the press. The media themselves have also changed to a huge extent. To cite the most notable example, in 1970, Internet did not exist, and neither did direct-to-home

satellite television broadcasting. CNN, Newsworld, RDI, RDS, Much Music and Musique Plus, none of that existed, and was not even contemplated, except perhaps in the mind of Marshall McLuhan. The word "convergence" was not used in connection with the media, and the concept itself would have made many people smile. Now, things have become infinitely more complex.

Another major change. We know that, in 1970, 88 per cent of Canadian adults read a newspaper every day. In 1998, one generation later, according to Statistics Canada, only 49 per cent of Canadian adults, or half of our total population, read a newspaper every day.

While concentration was the main concern of the Davey committee, it was much less obvious in those days than it is today in major media outlets, the papers and radio and television networks from which Canadians still get most of their information. Who would have thought, in 1970, that a single company would control as many major newspapers in this country as CanWest Global does? Who would have thought that the biggest company in the country, BCE, would control the biggest private television network and the main national newspaper? Changes keep occurring at an ever faster pace.

All this raises important and difficult questions. Some have to do with economic considerations. For example, what impact does the fragmentation of the broadcasting market, which is now made up of hundreds of stations or channels, have on the economic viability of the media? Will convergence, which is less in the forefront but remains a major element in the evolution of media, ultimately strengthen or weaken their economic health? Will newspapers continue, in the longer term, to be a profitable investment for their owners?

[English]

Then there are the questions relating to the social role of the media, and it is, after all, because of that social role that the press, alone among Canadian industries, benefits from constitutional protection. Again, let me cite just a few of the more obvious questions. In the new world of concentration, fragmentation, re-concentration and re-fragmentation, are Canadians still getting the quality and diversity of news and information that they need? In a world where, for purposes of communication, borders now hardly exist, how can we be sure that Canadians will have access to news and information from this country's perspective, seen through Canadian eyes, and that these Canadian stories will not be drowned out by voices from the rest of the world, particularly from our southern neighbour? Are there elements of public policy that, without impinging on freedom of the press, can or should be changed to address the new problems created by new realities? In other words, honourable senators, there is more than enough to merit a new Senate study, which is the purpose of the motion now before us.

[Translation]

Incidentally, Canada is not the only country dealing with these issues and studying them. Throughout the Western world, societies are asking the same difficult, but fundamental, questions, and each country is trying to find the answers that correspond best with its specific realities.



• (1700)

While the questions may be similar, Canada's answers may not necessarily resemble the answers arrived at in France, in England, in the United States or in other countries. This is why we must proceed with this study.

[English]

There is one thing, however, that it is absolutely vital to stress: This will not — repeat, not — be a parliamentary version of “gotcha” journalism, and it will not be a single-issue study focusing on any one medium or any one proprietor. Every member of the committee wants this to be a broad, serious, thoughtful study, including some travel to hear from Canadians in their own communities, and the use of other means, notably the Internet, to reach the public. As one member of the committee said the other day, there is no point in doing this at all if we do not do it properly.

Yet, clearly, someone does need to do the work, and I suggest that a Senate committee is one of the most appropriate vehicles imaginable to do it because of our independence from outside pressures, because our inquiries are cost effective, and because of our long tradition of solid committee work.

Honourable senators, I know that many senators have learned views on this topic and may wish to speak to it. Nevertheless, I hope that we shall be able to give this motion very rapid consideration and passage because the Internal Economy Committee cannot give us a budget until we have the order of reference. As you know, the Internal Economy Committee is working on budgets now, to its own very tight timeline. We do need the order of reference. I would observe that this is not a reason to limit subsequent debate. Nothing prevents us from holding our own debate in this chamber in the form of an inquiry into the state of the media, which can proceed until every senator who wishes to speak has spoken. Indeed, I believe that Senator LaPierre and perhaps some other senators would be interested in doing just that, and I can assure you that the committee members would pay the closest attention to those proceedings and would be grateful for the benefit of colleagues' views and advice to us.

I, of course, would be willing to answer any questions if, at this late hour, anyone has any.

**Hon. Lowell Murray:** Honourable senators, I will not take up much time. I want to ask the honourable senator for the assurance that the news and public affairs function of the CBC, Radio Canada and CPAC are well within the scope of this inquiry and will receive at least as much scrutiny as other media by the committee. I expressed concern some time ago about the tendency of the CBC to enter into some kinds of working partnerships with media in the private sector. I have never really received a very satisfactory explanation of that. That is one small matter, and by no means the most important.

[Translation]

Senator Comeau is complaining to Radio-Canada about its paltry budget for Acadians in his province, Nova Scotia.

[English]

I just want to be assured that the CBC, Radio-Canada and CPAC are given very thorough scrutiny by this committee —

public news and public affairs; not the rest of the CBC, just those items.

**Senator Fraser:** Honourable senators, indeed, committee members are keenly interested in public broadcasting and in parliamentary broadcasting, as well as in other areas. I should have noted in my remarks that the committee is very concerned to study minority- and majority-language media in both of our language communities, as well as Aboriginal media or media serving the Aboriginal communities, and, to the extent that we can get there, other minorities as well, but the two official language communities and Aboriginals would be our first focus, of course.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I intend to speak to the substance of the motion. This short exchange that we have just had from Senator Murray and Senator Fraser underscores the point, for me at least, that the Senate and senators probably have a lot of darn good ideas to bring to bear on the kind of study that the honourable senators think ought to be undertaken by the committee.

Senator Fraser has properly advised us that she is in a little bit of a dilemma as chair of the committee in terms of the budget process, and that perhaps the fulsome debate that we might want to have could be conducted under the rubric of inquiries. I have reflected upon that. The senator was kind enough to share with us the problem that she faces, if her committee wants to get moving, and the way in which our budget process operates. I would hope that perhaps the Internal Economy Committee reads the Hansard of the debate in this place and understands that we are debating this matter and giving it high priority in our debate, and that appropriate long-term budget planning would be taken into consideration by that committee.

I do not know when this debate would end, but I hope that many honourable senators will participate in it, because this chamber will want to give detailed direction as to the kinds of study that the Senate wants to have done, not the kind of study that the committee of the Senate wants to have done. There may be convergence of the two at some point, but we just heard one example raised by one senator of an area that he thinks is important. I hope that I can contribute to this debate. I cannot do it this evening.

On motion of Senator Kinsella, debate adjourned.

[Translation]

## OFFICIAL LANGUAGES

### COMMITTEE AUTHORIZED TO MEET TO RECEIVE COMMISSIONER

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I move:

That the Standing Senate Committee on Official Languages be authorized to sit on Monday, December 2, 2002, to hear from the Commissioner of Official Languages.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

### BUSINESS OF THE SENATE

**Hon. Tommy Banks:** Honourable senators, I have a question, but I am not sure to whom it should be directed. It has to do with Order No. 74, but I have noticed that Senator Losier-Cool has just asked for permission for a committee to sit on Monday because the Senate is not, as we heard, then sitting.

Have I misunderstood the motion?

**The Hon. the Speaker:** Her motion was that the committee be authorized to sit to hear from the Commissioner of Official Languages. I think she is worried about a reference as much as the timing of the sitting.

• (1710)

**Senator Banks:** Honourable senators, am I correct in saying that, because the Standing Senate Committee on National Security and Defence plans now to meet on Monday, no permission is required for that meeting to be held and to hear witnesses?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, the motion to which Senator Banks refers asks leave of the Senate to sit Monday even if the Senate is sitting at the same time. However, I will soon be moving a motion, that when the Senate adjourns today, it do stand adjourned until next Tuesday. This motion will no longer be relevant once I have moved today's adjournment motion.

[English]

**Senator Banks:** I apologize for not having made myself clear. I understood, and I hope to be corrected, that, in previous sessions of the Senate, the Honourable Deputy Leader of the Government has stood and asked that a rule in respect of Senate committees sitting other than when the Senate is sitting be suspended, but that suspension has not taken place in this session of Parliament and

that, therefore, permission to sit may be required even though the Senate is not sitting. Am I mistaken?

**The Hon. the Speaker:** Honourable senators, perhaps I could help. If I heard Senator Robichaud correctly, the Senate will not be sitting on Monday. Therefore, the honourable senator has no reason to be concerned about dealing with this motion.

In respect of the honourable senator's question about a general order of this chamber, perhaps Senator Robichaud should answer that.

**Senator Robichaud:** Honourable senators, we adopted a committee report that said that during sitting weeks, and I am sure the honourable senator remembers that, committees do not have to obtain permission to sit.

**The Hon. the Speaker:** Earlier today we gave leave to revert to Government Notices of Motions.

[Translation]

### ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 3, 2002 at 2 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, December 3, 2002 at 2 p.m.



**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, November 28, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	-	-	Legal and Constitutional Affairs	02/11/28	0			
C-10B	An Act to amend the Criminal Code (cruelty to animals)	-	-	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology					
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0			
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Métis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							

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